

By: Kuempel, Martinez, Smith, Kacal, Bell

H.B. No. 2634

A BILL TO BE ENTITLED

AN ACT

relating to the construction manager-at-risk used by a governmental entity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2269.252, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The governmental entity's architect or engineer for a project, or an entity related to the governmental entity's architect or engineer, may not serve, alone or in combination with another person, as the construction manager-at-risk ~~[unless the architect or engineer is hired to serve as the construction manager-at-risk under a separate or concurrent selection process conducted in accordance with this subchapter]~~. This subsection does not prohibit the governmental entity's architect or engineer from providing customary construction phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

(c) For purposes of Subsection (b), an entity is related to the governmental entity's architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the governmental entity's architect or engineer has an ownership interest, or is

1 subject to common ownership or control, or is party to an agreement
2 by which it will receive any proceeds of the construction
3 manager-at-risk's payments from the governmental entity.

4 SECTION 2. This Act applies only to a contract for the
5 services of a construction manager-at-risk entered into on or after
6 the effective date of this Act. A contract entered into for the
7 services of a construction manager-at-risk before the effective
8 date of this Act is governed by the law in effect when the contract
9 was entered into, and the former law is continued in effect for that
10 purpose.

11 SECTION 3. This Act takes effect September 1, 2015.