

# **PUBLIC WORKS PROJECTS**

**TEX. OCC. CODE ANN. § 1001.407**

A political subdivision may not construct a public work involving engineering in which the public health, welfare or safety is involved unless the engineering plans, specifications, and estimates have been prepared by an engineer and the engineering construction is to be performed under the direct supervision of an engineer.

# WHAT MUST BE COMPETITIVELY PROCURED?

- *“Except as provided by this subchapter . . . .”*
- “all school district contracts for goods and services, except for vehicle fuel and produce”
- “valued at \$50,000 or more in the aggregate for each 12 month period”
- “shall be made by the method, of the following methods, that provides the best value for the district.”

Tex. Ed. Code §44.031(a)

# UNLAWFUL SPLITTING

The following types of purchases are illegal:

- "Component purchases" - purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.
- "Separate purchases" - purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.
- "Sequential purchases" - purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

Tex. Ed. Code §44.032

# **AUTHORIZED DELIVERY METHODS FOR CONSTRUCTION SERVICES**

- Competitive Bidding (defined project)
- Competitive Sealed Proposals (defined project)
- Construction Manager at Risk (defined project)
- Construction Manager Agent (defined project(s) or program)
- Design-Build (defined project)
- Job Order Contracting or Coop (maintenance, repair, minor construction projects not yet defined; to be determined/assigned later)

# A/E SERVICES FOR JOC PROJECTS

- District must independently hire A/E if services required
- Districts may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000, **unless**:
  - A person designated by the local government certifies in writing that:
    - The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under the Texas Engineering Practice Act or the Texas Board of Architectural Examiners; or
    - Required plans and specifications have been prepared

Tex. Gov't Code § 791.011(j)

# EXCEPTIONS

## OCCUPATIONS CODE §1001.053

- An engineer is not required for a public work project if:
  - A project involving electrical or mechanical engineering will cost \$8,000 or less
  - A project not involving electrical or mechanical engineering will cost \$20,000 or less (i.e., structural or civil)

# Capital Improvement Options

- Board can approve multiple project under a single resolution (carve out projects)
- Can increase Superintendent Procurement Authority for specifically defined projects, not to exceed budget
- Use of JOC contracting for projects not requiring Architectural or Engineering drawings
- Partner with A/E firm to review submittals