

By: Kuempel

H.B. No. 3019

A BILL TO BE ENTITLED

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AN ACT

relating to the competitive bid process for construction during contracting and delivery of construction projects.

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

SECTION 1. Subchapter B, Chapter 2269, Government Code, is amended by adding Section 2269.060 to read as follows:

Sec. 2269.060. ACCEPTABILITY OF CONSTRUCTION MATERIALS.

(a) The governing body of a governmental entity that considers a construction contract using a method authorized by this chapter may not unreasonably restrict or eliminate the consideration of construction materials used in the contracting and delivery of a construction project.

(b) No construction documents or any other information associated with the preparation of a request for bids as prescribed by this chapter shall prohibit the consideration of construction materials, including piping materials, that meet current and recognized standards as issued by the American Society for Testing and Materials (ASTM) or the American Water Works Association or their successor organizations.

SECTION 2. This Act takes effect September 1, 2015

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Mar 24, 2015
S.B. 397
PRINCIPAL CLERK
D

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SENATE DRS45206-MD-67 (03/11)

Short Title: Open & Fair Competition/Water & Wastewater. (Public)

Sponsors: Senators Sanderson and Rabin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE OPEN AND FAIR COMPETITION WITH RESPECT TO THE
3 MATERIALS USED IN WASTEWATER, STORMWATER, AND OTHER WATER
4 PROJECTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 8 of Chapter 143 of the General Statutes is amended by
7 adding a new section to read:

8 "§ 143-129.10. No preference for one acceptable piping material over another in State
9 funded water, wastewater, or stormwater projects.

10 (a) Prohibition. – A public entity shall not prefer one type of acceptable piping material
11 over another in studying, planning, designing, constructing, developing, financing, maintaining,
12 rebuilding, improving, repairing, procuring, or operating a water, wastewater, or stormwater
13 drainage project that is funded in whole or in part with State funds unless sound engineering
14 practices suggest that one type of acceptable piping material is more suitable for a particular
15 project.

16 (b) Definitions. – The following definitions apply in this section:
17 (1) Acceptable Piping Material. – Piping material that meets or exceeds the
18 standards issued by the American Society for Testing and Materials or the
19 American Water Works Association.
20 (2) Public Entity. – A State agency, county, city, sanitary district created under
21 Part 2 of Article 2 of Chapter 130A of the General Statutes, an authority
22 created under Article 1 of Chapter 162A of the General Statutes, a
23 metropolitan sewer district created under Article 5 of Chapter 162A of the
24 General Statutes, a county water and sewer district created under Article 6 of
25 Chapter 162A of the General Statutes, or any other political subdivision of
26 the State."

27 SECTION 2. This act becomes effective October 1, 2015.



Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: 8/16/15

A Bill

SENATE BILL 540

5 By: Senator Files
6 By: Representative Pitsch
7

For An Act To Be Entitled

8
9 AN ACT TO REGULATE PROCUREMENTS FOR WATER,
10 WASTEWATER, AND STORM WATER DRAINAGE PROJECTS; AND
11 FOR OTHER PURPOSES.
12

Subtitle

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15 TO REGULATE PROCUREMENTS FOR WATER,
16 WASTEWATER, AND STORM WATER DRAINAGE
17 PROJECTS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code *Title 22, Chapter 9, Subchapter 2*, is amended
23 to add an additional section to read as follows:

24 22-9-215. Water, wastewater, and storm water drainage projects.

25 (a) As used in this section, "acceptable piping material" means piping
26 material that meets or exceeds the standards issued by the American Society
27 for Testing and Materials and the American Water Works Association, as the
28 standards existed on January 1, 2015.

29 (b) A state agency, political subdivision, water district, sewer
30 district, or other public or municipal corporation not otherwise subject to
31 competitive bidding rules shall use competitive sealed bidding for a contract
32 to construct, develop, maintain, rebuild, improve, repair, or operate a
33 water, wastewater, or storm water drainage project that receives funds from
34 the state.

35 (c)(1) A request for qualifications for a water, wastewater, or storm
36 water drainage project shall state that acceptable piping materials shall be



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1 acquired for and used in the water, wastewater, or storm water drainage
2 project.

3 (2) However, acceptable piping material shall be acquired for a
4 water, wastewater, or storm water drainage project only if the use of the
5 acceptable piping material is commensurate with sound engineering practices
6 and the requirements of the water, wastewater, or storm water drainage
7 project.

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/s/Files

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

SENATE BILL 540

4
5 By: Senator Files
6 By: Representative Pitsch

For An Act To Be Entitled

7
8 AN ACT TO REGULATE PROCUREMENTS FOR WATER,
9 WASTEWATER, AND STORM WATER DRAINAGE PROJECTS; AND
10 FOR OTHER PURPOSES.
11

Subtitle

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13 TO REGULATE PROCUREMENTS FOR WATER,
14 WASTEWATER, AND STORM WATER DRAINAGE
15 PROJECTS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code Title 19, Chapter 11, Subchapter 2, is
23 amended to add an additional section to read as follows:

24 19-11-267. Water, wastewater, and storm water drainage projects.

25 (a) As used in this section, "acceptable piping material" means piping
26 material that meets or exceeds the standards issued by the American Society
27 for Testing and Materials and the American Water Works Association, as the
28 standards existed on January 1, 2015.

29 (b) A state agency, political subdivision, water district, sewer
30 district, or other public or municipal corporation shall use competitive
31 sealed bidding for a contract to study, plan, design, construct, develop,
32 finance, maintain, rebuild, improve, repair, or operate a water, wastewater,
33 or storm water drainage project that receives funds from the state.

34 (c) The procurement of piping material shall be conducted in a manner
35 that provides for open and free competition.

36 (d)(1) A request for qualifications for a water, wastewater, or storm



1 water drainage project shall state that acceptable piping materials may be
2 acquired for and used in the water, wastewater, or storm water drainage
3 project.

4 (2) However, acceptable piping material is suitable for a water,
5 wastewater, or storm water drainage project only if the use of the acceptable
6 piping material is commensurate with sound engineering practices and the
7 requirements of the water, wastewater, or storm water drainage project.

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South Carolina General Assembly
121st Session, 2015-2016

Download [This Bill](#) in Microsoft Word format

~~Indicates Matter Stricken~~
Indicates New Matter

S. 408

STATUS INFORMATION

General Bill
Sponsors: Senator Campbell
Document Path: I:\s-res\pgc\007pipi.ls.pgc.docx

Introduced in the Senate on February 4, 2015
Currently residing in the Senate Committee on **Finance**

Summary: Not yet available

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/4/2015	Senate	Introduced and read first time (Senate Journal-page 27)
2/4/2015	Senate	Referred to Committee on Finance (Senate Journal-page 27)

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

2/4/2015

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

A BILL

TO AMEND ARTICLE 9, CHAPTER 35, TITLE 11 OF THE 1976 CODE, RELATING TO THE STATE PROCUREMENT CODE, BY ADDING A SUBARTICLE TO PROVIDE THAT PIPING MATERIAL PROCUREMENTS FOR CERTAIN PROJECTS CONSIDER PIPING MATERIAL THAT MEETS CERTAIN CURRENT AND RECOGNIZED STANDARDS, AND THAT THE PROCUREMENT PROCESS FOR THESE MATERIALS PROVIDES MAXIMUM OPEN AND FREE COMPETITION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 9, Chapter 35, Title 11 of the 1976 Code is amended by adding:

"Subarticle 6

Acceptable Piping Material

Section 11-35-3260. For the purposes of this subarticle:

- (1) 'Governmental agency' refers to any state agency, state district, county government, municipality, and including a school district, public district, county board of education, joint powers authority, water or sewer district, special purpose district, or any other public or municipal corporation.
- (2) 'Acceptable Piping Material' refers to piping material that meets current and recognized standards as issued by the American Society for Testing and Materials and the American Water Works Association, or their successor organizations.

Section 11-35-3261. (A) A government agency procuring materials for a water supply, wastewater, stormwater, or storm drainage project shall engage in open, competitive bidding to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate the water, wastewater, stormwater, and storm drainage utilities.

(B) All procurement transactions for piping materials shall be conducted in a manner that provides for maximum open and free competition.

(C) The specifications for a public works project must provide that acceptable piping materials may be acquired for and used in the public works project.

(D) Procurement procedures shall not restrict or eliminate competition.

(E) The governmental agency shall consider acceptable piping material to be suitable for the project only if the use of that material is commensurate with sound engineering practices and project requirements."

SECTION 2. This act takes effect upon approval by the Governor.

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This web page was last updated on February 5, 2015 at 9:09 AM

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 513

By: Fry

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6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2011, Section 1085.56, which relates to water
9 projects; requiring the Oklahoma Water Resources
10 Board to promulgate rules to encourage fair and open
11 competitive bidding for certain water project
12 materials funded by certain state funds; requiring
13 governmental agencies to promote certain competitive
14 bidding and use of certain materials; and providing
15 an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 82 O.S. 2011, Section 1085.56, is
amended to read as follows:

Section 1085.56. A. The Oklahoma Water Resources Board shall
promulgate such rules as may be necessary for determining the
eligibility and priority of entities for water quality projects in
order to receive loans made pursuant to the federal Water Quality
Act of 1987 and from the Clean Water State Revolving Fund Loan
Account. At a minimum, such rules shall:

1. Ensure the fair and equitable prioritization of entities
eligible for loans made pursuant to the provisions of this act;

1 2. Be in conformance with applicable provisions of Oklahoma's
2 Water Quality Standards, the Oklahoma Environmental Quality Code,
3 and the federal Water Quality Act of 1987;

4 3. Require that to be approved, an applicant needs or will need
5 the water quality project loan to comply with rules promulgated by
6 the Environmental Quality Board pursuant to the Oklahoma
7 Environmental Quality Code, or the Conservation Commission,
8 whichever has jurisdiction; and

9 4. Require the water quality project to:

10 a. be designed to halt or prevent the pollution of the
11 waters of this state and comply with Oklahoma's Water
12 Quality Standards,

13 b. meet the Board's established environmental review
14 criteria as provided for by the federal Water Quality
15 Act of 1987,

16 c. comply with minimum standards of the Federal Water
17 Pollution Control Act, Chapter 26, Title 33, United
18 States Code, or any similar or successor statute, and

19 d. meet any other consideration deemed necessary by the
20 Board.

21 B. In addition to the provisions of subsection A of this
22 section, the Board shall endeavor to promote fair and open
23 competition for piping materials used in water and wastewater
24 projects and all procurement transactions related thereto.

1 specifically those funded by the Clean Water State Revolving Fund
2 Program and the Statewide Water Development Revolving Fund by
3 requiring governmental agencies to:

4 1. Purchase piping material that meets current and recognized
5 standards as issued by the American Society for Testing and
6 Materials (ASTM) and the American Water Works Association (AWWA), or
7 their successor organizations; and

8 2. Engage in open competitive bidding to study, plan, design
9 construct, develop, finance, maintain, rebuild, improve, repair or
10 operate water and wastewater utilities. Such procurement procedures
11 shall not restrict or eliminate competition.

12 C. Government agencies accepting state funding for any public
13 water or wastewater project shall consider acceptable piping
14 material to be suitable for the project only if the use of that
15 material is commensurate with sound engineering practices and the
16 project requirements and shall endeavor to comply with fair open
17 competitive bidding procedures as provided in this section.

18 SECTION 2. This act shall become effective November 1, 2015.

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20 55-1-563

MJM

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SENATE BILL 2199

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 12; Title 65; Title 68,
Chapter 221 and Title 69, relative to utilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The comptroller of the treasury shall prepare a report on how this state may ensure that all proven and acceptable piping materials be included in all bids for water and wastewater projects. The report shall, at a minimum, identify areas of deficiency in the current procurement procedures, including, but not limited to, lack of oversight in competitive bidding procedures. The report shall include: how the state may encourage competitive bidding, open and free competition, and increase the quality, sustainability, durability, and corrosion resistance when procuring piping material. The comptroller shall present the report to the state government committee of the house of representatives and the state and local committee of the senate on or before January 1, 2015.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

As Introduced

130th General Assembly
Regular Session
2013-2014

H. B. No. 417

Representative Thompson

Cosponsors: Representatives Becker, Stebelton, Roegner, Retherford,
Sprague, Adams, J., Boose, Hood, Young

A BILL

To enact section 153.75 of the Revised Code to ensure
that all proven and acceptable piping materials be
included in bids for water and wastewater utility
service improvement projects.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 153.75 of the Revised Code be enacted
to read as follows:

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Sec. 153.75. (A) For the purposes of this section:

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(1) "Governmental agency" includes the following:

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(a) A county, township, municipal corporation, or any other
body corporate and politic that is responsible for government
activities in a geographic area smaller than that of the state;

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(b) Any organized body, agency, institution, or other entity
established by the laws of the state for the exercise of any
function of state government.

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(2) "Acceptable piping material" means piping material that
meets the current recognized standards issued by ASTM
international and the American water works association, or their
successor organizations.

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<u>(B) When contracting for a water or wastewater utility</u>	19
<u>service improvement project, a governmental agency shall:</u>	20
<u>(1) Procure only acceptable piping material;</u>	21
<u>(2) Consider the quality, sustainability, durability, and</u>	22
<u>corrosion resistance of the acceptable piping materials in</u>	23
<u>relation to the project requirements;</u>	24
<u>(3) Consider the up-front cost of installation of the</u>	25
<u>acceptable piping materials;</u>	26
<u>(4) Consider acceptable piping material to be suitable for</u>	27
<u>the project only if the use of that material is commensurate with</u>	28
<u>sound engineering practices and the project requirements.</u>	29

SENATE BILL No. 68

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-16-1-10; IC 5-30; IC 36-1-12-24.

Synopsis: Piping materials used in public works projects. Provides, for purposes of the law on public works projects of state agencies and political subdivisions, including design-build public works projects, that: (1) the specifications or design criteria package must specify that all piping materials that meet the recognized standards of the American Society for Testing and Materials or the American Water Works Association may be acquired for and used in the projects; and (2) in the acquisition of piping materials for the projects, the quality, sustainability, durability, and corrosion resistance of the piping materials shall be considered.

Effective: July 1, 2014.

Banks, Buck

January 6, 2014, read first time and referred to Committee on Commerce, Economic Development & Technology.



Introduced

Second Regular Session 118th General Assembly (2014)

PRINTING CODE, Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.
Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
Conflict reconciliation: Text in a statute in this style type or this style type reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 68

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration,

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-16-1-10 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: Sec. 10. (a) This section applies to every public works
4 project to which any section of this chapter applies.
5 (b) As used in this section, "acceptable piping material" means
6 piping material, including polyvinyl chloride piping material, that
7 meets the recognized standards for piping material issued by:
8 (1) the American Society for Testing and Materials; or
9 (2) the American Water Works Association.
10 (c) The specifications for a public works project must provide
11 that all acceptable piping materials may be acquired for and used
12 in the public works project.
13 (d) In the acquisition of piping materials for a public works
14 project, the following characteristics of the piping materials shall
15 be considered:
16 (1) Quality.



- 1 (2) Sustainability.
- 2 (3) Durability.
- 3 (4) Corrosion resistance.

4 SECTION 2, IC 5-30-1-1.4 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2014]: Sec. 1.4. "Acceptable piping material" means piping
 7 material, including polyvinyl chloride piping material, that meets
 8 the recognized standards for piping material issued by:

- 9 (1) the American Society for Testing and Materials; or
- 10 (2) the American Water Works Association.

11 SECTION 3, IC 5-30-2-3 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2014]: Sec. 3. (a) This section applies to every design-build
 14 contract for a public works project to which this article applies.

15 (b) The design criteria package for a public works project must
 16 provide that all acceptable piping materials may be acquired for
 17 and used in the public works project.

18 (c) In the acquisition of piping materials for a public works
 19 project, the following characteristics of the piping materials shall
 20 be considered:

- 21 (1) Quality.
- 22 (2) Sustainability.
- 23 (3) Durability.
- 24 (4) Corrosion resistance.

25 SECTION 4, IC 36-1-12-24 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2014]: Sec. 24. (a) This section applies to every public works
 28 project to which any section of this chapter applies.

29 (b) As used in this section, "acceptable piping material" means
 30 piping material, including polyvinyl chloride piping material, that
 31 meets the recognized standards for piping material issued by:

- 32 (1) the American Society for Testing and Materials; or
- 33 (2) the American Water Works Association.

34 (c) The specifications for a public works project must provide
 35 that all acceptable piping materials may be acquired for and used
 36 in the public works project.

37 (d) In the acquisition of piping materials for a public works
 38 project, the following characteristics of the piping materials shall
 39 be considered:

- 40 (1) Quality.
- 41 (2) Sustainability.
- 42 (3) Durability.



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(4) Corrosion resistance.

2014

IN 68—LS 6176/DI 55

