A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

(b) Definitions. — The following definitions apply in this section:

(1) Acceptable Piping Material. — Piping material that meets or exceeds the standards issued by the American Society for Testing and Materials or the American Water Works Association.

(2) Public Entity. — A State agency, county, city, sanitary district created under Part 2 of Article 2 of Chapter 130A of the General Statutes, an authority created under Article 1 of Chapter 162A of the General Statutes, a metropolitan sewer district created under Article 5 of Chapter 162A of the General Statutes, a county water and sewer district created under Article 6 of Chapter 162A of the General Statutes, or any other political subdivision of the State."

SECTION 2. This act becomes effective October 1, 2015.
Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

By: Senator Files
By: Representative Pitsch

For An Act To Be Entitled

AN ACT TO REGULATE PROCUREMENTS FOR WATER,
WASTEWATER, AND STORM WATER DRAINAGE PROJECTS; AND
FOR OTHER PURPOSES.

Subtitle

TO REGULATE PROCUREMENTS FOR WATER,
WASTEWATER, AND STORM WATER DRAINAGE
PROJECTS.

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

SECTION 1. Arkansas Code Title 22, Chapter 9, Subchapter 2, is amended
to add an additional section to read as follows:

(a) As used in this section, "acceptable piping material" means piping
material that meets or exceeds the standards issued by the American Society
for Testing and Materials and the American Water Works Association, as the
standards existed on January 1, 2015.
(b) A state agency, political subdivision, water district, sewer
district, or other public or municipal corporation not otherwise subject to
competitive bidding rules shall use competitive sealed bidding for a contract
to construct, develop, maintain, rebuild, improve, repair, or operate a
water, wastewater, or storm water drainage project that receives funds from
the state.
(c)(1) A request for qualifications for a water, wastewater, or storm
water drainage project shall state that acceptable piping materials shall be

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

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

/s/Files
State of Arkansas
90th General Assembly
Regular Session, 2015

By: Senator File
By: Representative Pitts

For An Act To Be Entitled
AN ACT TO REGULATE PROCUREMENTS FOR WATER,
WASTEWATER, AND STORM WATER DRAINAGE PROJECTS; AND
FOR OTHER PURPOSES.

Subtitle
TO REGULATE PROCUREMENTS FOR WATER,
WASTEWATER, AND STORM WATER DRAINAGE
PROJECTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS;

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

(a) As used in this section, "acceptable piping material" means piping
material that meets or exceeds the standards issued by the American Society
for Testing and Materials and the American Water Works Association, as the
standards existed on January 1, 2015.
(b) A state agency, political subdivision, water district, sewer
district, or other public or municipal corporation shall use competitive
sealed bidding for a contract to study, plan, design, construct, develop,
finance, maintain, rebuild, improve, repair, or operate a water, wastewater,
or storm water drainage project that receives funds from the state.
(c) The procurement of piping material shall be conducted in a manner
that provides for open and free competition.
(d)(1) A request for qualifications for a water, wastewater, or storm
water drainage project shall state that acceptable piping materials may be
acquired for and used in the water, wastewater, or storm water drainage
project.

(2) However, acceptable piping material is suitable for a water,
wastewater, or storm water drainage project only if the use of the acceptable
piping material is commensurate with sound engineering practices and the
requirements of the water, wastewater, or storm water drainage project.
S. 408

STATUS INFORMATION

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

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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
STATE OF OKLAHOMA
1st Session of the 55th Legislature (2015)

SENATE BILL 513

By: Fry

AS INTRODUCED

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

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;

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

4. Require the water quality project to:
   a. be designed to halt or prevent the pollution of the waters of this state and comply with Oklahoma's Water Quality Standards,
   b. meet the Board's established environmental review criteria as provided for by the federal Water Quality Act of 1987,
   c. comply with minimum standards of the Federal Water Pollution Control Act, Chapter 26, Title 33, United States Code, or any similar or successor statute, and
   d. meet any other consideration deemed necessary by the Board.

B. In addition to the provisions of subsection A of this section, the Board shall endeavor to promote fair and open competition for piping materials used in water and wastewater projects and all procurement transactions related thereto.
specifically those funded by the Clean Water State Revolving Fund
Program and the Statewide Water Development Revolving Fund by
requiring governmental agencies to:

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

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

C. Government agencies accepting state funding for any public
water or wastewater project 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 the
project requirements and shall endeavor to comply with fair open
competitive bidding procedures as provided in this section.

SECTION 2. This act shall become effective November 1, 2015.
SENATE BILL 2199

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 4; Title 6; Title 8; 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.
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:

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

(1) "Governmental agency" includes the following:

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

(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.

(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.
(B) When contracting for a water or wastewater utility service improvement project, a governmental agency shall:

(1) Procure only acceptable piping material;

(2) Consider the quality, sustainability, durability, and corrosion resistance of the acceptable piping materials in relation to the project requirements;

(3) Consider the up-front cost of installation of the acceptable piping materials;

(4) Consider acceptable piping material to be suitable for the project only if the use of that material is commensurate with sound engineering practices and the project requirements.
SENATE BILL No. 68

DIGEST OF INTRODUCED BILL

Sections Affected: IC 5-16-4-10; IC 5-30-1; 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.
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:

SECTION 1. IC 5-16-1-10 is added to the Indiana Code as a new section to read as follows [effective July 1, 2014]: Sec. 10. (a) This section applies to every public works project to which any section of this chapter applies.

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

(1) the American Society for Testing and Materials; or

(2) the American Water Works Association.

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

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

(1) Quality,
(2) Sustainability.
(3) Durability.
(4) Corrosion resistance.

SECTION 2. IC 5-30-1-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.4. "Acceptable piping material" means piping material, including polyvinyl chloride piping material, that meets the recognized standards for piping material issued by:
(1) the American Society for Testing and Materials; or
(2) the American Water Works Association.

SECTION 3. IC 5-30-2-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to every design-build contract for a public works project in which this article applies.
(b) The design criteria package for a public works project must provide that all acceptable piping materials may be acquired for and used in the public works project.
(c) In the acquisition of piping materials for a public works project, the following characteristics of the piping materials shall be considered:
(1) Quality.
(2) Sustainability.
(3) Durability.
(4) Corrosion resistance.

SECTION 4. IC 36-1-12-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) This section applies to every public works project to which any section of this chapter applies.
(b) As used in this section, "acceptable piping material" means piping material, including polyvinyl chloride piping material, that meets the recognized standards for piping material issued by:
(1) the American Society for Testing and Materials; or
(2) the American Water Works Association.
(c) The specifications for a public works project must provide that all acceptable piping materials may be acquired for and used in the public works project.
(d) In the acquisition of piping materials for a public works project, the following characteristics of the piping materials shall be considered:
(1) Quality.
(2) Sustainability.
(3) Durability.
(4) Corrosion resistance.