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MAR 10 2000

OPINION COMMITTEE

Texas Board of Architectural Examiners

Architecture / Interior Design / Landscape Architecture

March 8, 2000

The Honorable John Cornyn
Attorney General of Texas
Post Office Box 12548
Austin, Texas 78711-2548

Office of the Attorney General
Executive Administration (001)
P.O. Box 12548
Austin, TX 78711

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Re: Request for formal opinion regarding the Professional Services Procurement Act

Dear General Cornyn:

The Texas Board of Architectural Examiners (TBAE) is charged with enforcement of the Architects' Registration Law, Article 249a, Vernon's Texas Civil Statutes. Because of the agency's role in regulating the practice of architecture in Texas, people often contact TBAE to report violations of the Professional Services Procurement Act (PSPA), which is found in Title 10 of the Government Code. The PSPA requires governmental entities to choose providers of professional services, such as architects, on the basis of qualifications and competence rather than on the basis of competitive bids. TEX. GOV'T CODE ANN. §§ 2254.001-2254.005 (Vernon 1996).

When violations of the PSPA are reported to TBAE, we would like to refer them to an agency that has authority to address violations of the statute. However, we have been unable to determine which agency, if any, is charged with enforcing the PSPA.

We would appreciate your providing TBAE with a formal opinion regarding enforcement of the PSPA. Is there a particular agency that is responsible for enforcing the statute's provisions? When violations are reported to TBAE, what procedure should be followed to address them? And finally, what penalties may be imposed against governmental entities that violate the PSPA?

If you have any questions about this request, please contact Cynthia Canfield, TBAE's General Counsel, at (512) 305-8531.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy L. Hendricks", with a long horizontal line extending to the right.

Cathy L. Hendricks, ASID/IIDA
Executive Director

cc: Board Members, Texas Board of Architectural Examiners
Eugene Clayborn, Assistant Attorney General