

**Note: § 2269 Use of Architect or Engineer**

*The governmental entity shall select or designate an architect or engineer to prepare construction documents for the project.*

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USE OF ARCHITECT  
OR ENGINEER

The law requires that the school district hire a design professional (i.e., an architect or engineer) for the construction project.

If a project is governed by the Chapter 2269 of the Texas Government Code and is using any of these methods:

- Competitive Bidding
- Competitive Sealed Proposals
- Construction Manager-Agent
- Construction Manager-at Risk
- Design/Build

then the school district is required by law to hire a design professional, regardless of the nature of the work to be done. This is because the Government Code's provisions governing each of these delivery methods specifically requires that a design professional each of the first four), or (2) act as an independent representative of the school district (Design/Build).

The Texas Occupations Code contains the general requirements governing the necessity of a design professional on a project. These requirements, which are independent of those in Chapter 2269, are focused on the nature of the work to be performed.

ARCHITECT  
REQUIREMENTS

First, an architect is required to prepare an architectural plan or specification for the following school district projects:

- a new building having construction costs exceeding \$100,000 that is to be:
  - constructed and owned by a state agency, a political subdivision of this state, or any other public entity in this state; and
  - used for education, assembly, or office occupancy; or
- an alteration or addition having construction costs exceeding \$50,000 that:

- is to be made to an existing building that:
- is owned by a state agency, a political subdivision of this state, or any other public entity in this state; and
- is or will be used for education, assembly, or office occupancy; any requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

Therefore, for new construction exceeding \$100,000 or renovations or additions exceeding \$50,000, an architect will be required to draw architectural plans.

ENGINEER  
REQUIREMENTS

The Engineering Practice Act provides that a school district may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless: (1) the engineering plans, specifications, and estimates have been prepared by an engineer; and (2) the engineering construction is to be performed under the direct supervision of an engineer. Unless a statutory exclusion applies, an engineer may be required even if the construction does not involve a facility or is not governed by Chapter 44, Subchapter B of the Education Code.

Two exclusions are established in the Engineering Practices Act: 1) a public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is \$8,000 or less; (2) a public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less. Thus, for a project requiring only structural or civil engineering, for example, if the project will cost no more than \$20,000, then an engineer is not required.

The following aspects of structural or mechanical modifications to building roofs are engineering and require the services of a Texas licensed professional engineer:

- 1) Evaluation of structural framing members prior to the addition of roof mounted equipment or heavier roof covering.
- 2) The change of roof pitch by the addition of structural

- framing members.
- 3) The evaluation and repair of roof structural framing found to be damaged during a roof repair project.
  - 4) The modification of an internal roof drainage system.

If a roofing project is in excess of \$20,000 for public works and involves the addition of roof-mounted equipment or the installation of roofing material heavier than the original roofing material, then the building structural framing elements will be evaluated by a Texas licensed professional engineer to verify that the roof modification will not exceed the allowable structural loads on the building.

If a roofing project is in excess of \$20,000 for public works and involves the modification of roof pitch by the addition of rafters, trusses or other structural framing elements, then the structural elements of the modified roof will be designed and the construction supervised by a Texas licensed professional engineer for public works and the design of the structural elements will be performed by a Texas licensed professional engineer.

If a roofing project is in excess of \$20,000 for public works and during the execution of the project, damage to the buildings structural framing elements is discovered, a Texas licensed engineer will evaluate the damaged structure. If structural repairs are indicated, a Texas licensed professional engineer will design and supervise the required repairs for public works and the design of the structural repairs will be performed by a Texas licensed professional engineer. If a roofing project is in excess of \$8000 for public works and involves the modification of the roof internal drainage system, then a Texas licensed professional engineer is required to evaluate the modified drainage system and perform required design and construction supervision for public works and the design of the modified drainage system will be performed by a Texas licensed professional engineer.