

§ 756.023. TRENCH EXCAVATION FOR POLITICAL SUBDIVISION.

(a) On a project for a political subdivision of the state in which trench excavation will exceed a depth of five feet, the bid documents provided to all bidders and the contract must include:

- (1) a reference to the Occupational Safety and Health Administration standards for trench safety in effect during the period of construction of the project;
- (2) a copy of special shoring requirements, if any, of the political subdivision, with a separate pay item for the special shoring requirements;
- (3) a copy of any geotechnical information that was obtained by the owner for use by the contractor in the design of the trench safety system; and
- (4) a separate pay item for trench excavation safety protection.

(b) The separate pay item for trench excavation safety protection must be based on the linear feet of trench excavated. The separate pay item for special shoring requirements, if any, of the political subdivision must be based on the square feet of shoring used.

(c) A political subdivision may require a bidder to attend a prebid conference to coordinate a geotechnical investigation of the project site by bidders. In awarding a contract, a political subdivision may not consider a bid from a bidder who failed to attend a required prebid conference.

(d) This section does not apply to a person subject to the safety standards adopted under and the administrative penalty provisions of Subchapter E, Chapter 121, Utilities Code.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Redesignated from V.T.C.A., Health & Safety Code § 756.022 and amended by Acts 1991, 72nd Leg., ch. 14, § 237, eff. Sept. 1, 1991. Amended by Acts 1999, 76th Leg., ch. 62, § 18.32, eff. Sept. 1, 1999.