

By: Walle

H.B. No. 4437

Substitute the following for H.B. No. 4437:

By: Lopez

C.S.H.B. No. 4437

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to consider a prospective contractor's principal place of business when awarding certain contracts.

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

SECTION 1. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.909 to read as follows:

Sec. 271.909. CONSIDERATION OF LOCATION OF BIDDER'S PRINCIPAL PLACE OF BUSINESS FOR AWARDING CERTAIN COUNTY CONTRACTS.

(a) This section applies only to a county with a population of more than 3.3 million.

(b) A county may award a contract for services or for the construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property to a bidder whose principal place of business is in the county if:

(1) the bid or proposed price submitted by the bidder is within three percent of the lowest bid or proposed price received by the county from a bidder with the ability to perform the contract that does not have a principal place of business in the county; and

(2) the commissioners court determines, in writing, that the bid or proposal of the bidder offers the county the best combination of contract price, ability to perform the contract, and additional economic development opportunities for the county created by the contract award, including the employment of

1 residents of the county and increased tax revenues to the county.

2 (c) This section does not prohibit a county from rejecting
3 all bids.

4 SECTION 2. The change in law made by this Act applies only
5 to a contract for which a county first advertises or otherwise
6 solicits bids, proposals, offers, or qualifications or makes a
7 similar solicitation on or after the effective date of this Act. A
8 contract for which a county first advertises or otherwise solicits
9 bids, proposals, offers, or qualifications or makes a similar
10 solicitation before the effective date of this Act is governed by
11 the law in effect on the date the advertisement or solicitation was
12 made, and that law is continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2021.