

By: Walle

H.B. No. 4437

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of certain counties to consider a
3 prospective contractor's place of business when awarding certain
4 contracts.

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

6 SECTION 1. Section 271.905, Local Government Code, is
7 amended by adding Subsection (b-1) to read as follows:

8 (b-1) A county with a population of 3.3 million or more that
9 is awarding a contract for services or for the construction,
10 repair, or renovation of a structure, road, highway, or other
11 improvement or addition to real property may award the contract to
12 an entity with a permanent business presence in the county if:

13 (1) the bid or proposed price submitted by the entity
14 is within three percent of the lowest bid or proposed price
15 received by the county from an entity with the ability to perform
16 the contract that does not have a permanent business presence in the
17 county; and

18 (2) the commissioners court determines, in writing,
19 that the bid or proposal of the entity offers the county the best
20 combination of contract price, ability to perform the contract,
21 and additional economic development opportunities for the county
22 created by the contract award, including the employment of
23 residents of the county and increased tax revenues to the county.

24 SECTION 2. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2021.