

AN ACT

relating to the procurement of certain goods and services related to highways by the Texas Department of Transportation.

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

SECTION 1. Section 223.001, Transportation Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) Except as provided by Subsection (c) and Section 223.042(c), the [The] department shall submit for competitive bids each contract for:

- (1) the improvement of a highway;
- (2) materials to be used in the construction or maintenance of a highway; or
- (3) traffic control or safety devices to be used on a highway.

(c) The department may award a contract described by Subsection (b)(2) or (3) as a purchase of goods under Subtitle D, Title 10, Government Code, except as provided by Subsection (d), if the department:

- (1) estimates that the contract will be within an amount for which purchasing authority has been delegated to state agencies under statute or rules adopted by the comptroller; and
- (2) determines that the competitive bidding procedure in this chapter is not practical.

1 (d) An award under Subsection (c) for a contract described
2 by Subsection (b)(2) must be made to the lowest responsive bidder.

3 (e) After the award of a contract described by Subsection
4 (c), the department shall post on the department's Internet website
5 the bid tabulation for that contract.

6 SECTION 2. Section 223.042, Transportation Code, is amended
7 by amending Subsection (c) and adding Subsection (c-1) to read as
8 follows:

9 (c) The department may award a contract under this section
10 as a purchase of service under Subtitle D, Title 10, Government
11 Code, if the department:

12 (1) estimates that the contract will be within
13 ~~[involve]~~ an amount for which ~~[a formal solicitation process for~~
14 ~~the purchase of services is not required under rules relating to the~~
15 ~~delegation of]~~ purchasing authority has been delegated to state
16 agencies under statute or rules adopted by the comptroller ~~[under~~
17 ~~Subchapter C, Chapter 2155, Government Code]~~; and

18 (2) determines that the competitive bidding procedure
19 in this chapter is not practical.

20 (c-1) After the award of a contract described by Subsection
21 (c), the department shall post on the department's Internet website
22 the bid tabulation for that contract.

23 SECTION 3. The change in law made by this Act applies only
24 to a contract for which the Texas Department of Transportation
25 first advertises or otherwise solicits bids, proposals, offers, or
26 qualifications or makes a similar solicitation on or after the
27 effective date of this Act. A contract for which the Texas

1 Department of Transportation first advertises or otherwise
2 solicits bids, proposals, offers, or qualifications or makes a
3 similar solicitation before the effective date of this Act is
4 governed by the law in effect on the date the advertisement or
5 solicitation is made, and that law is continued in effect for that
6 purpose.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2021.

S.B. No. 1270

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1270 passed the Senate on April 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1270 passed the House on May 24, 2021, by the following vote: Yeas 144, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor