

1-1 By: Seliger S.B. No. 1270
 1-2 (In the Senate - Filed March 9, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 26, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 26, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1270 By: Seliger

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the procurement of certain goods and services related
 1-22 to highways by the Texas Department of Transportation.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 223.001, Transportation Code, is amended
 1-25 by amending Subsection (b) and adding Subsections (c), (d), and (e)
 1-26 to read as follows:

1-27 (b) Except as provided by Subsection (c) and Section
 1-28 223.042(c), the [The] department shall submit for competitive bids
 1-29 each contract for:

1-30 (1) the improvement of a highway;

1-31 (2) materials to be used in the construction or
 1-32 maintenance of a highway; or

1-33 (3) traffic control or safety devices to be used on a
 1-34 highway.

1-35 (c) The department may award a contract described by
 1-36 Subsection (b)(2) or (3) as a purchase of goods under Subtitle D,
 1-37 Title 10, Government Code, except as provided by Subsection (d), if
 1-38 the department:

1-39 (1) estimates that the contract will be within an
 1-40 amount for which purchasing authority has been delegated to state
 1-41 agencies under statute or rules adopted by the comptroller; and

1-42 (2) determines that the competitive bidding procedure
 1-43 in this chapter is not practical.

1-44 (d) An award under Subsection (c) for a contract described
 1-45 by Subsection (b)(2) must be made to the lowest responsive bidder.

1-46 (e) After the award of a contract described by Subsection
 1-47 (c), the department shall post on the department's Internet website
 1-48 the bid tabulation for that contract.

1-49 SECTION 2. Section 223.042, Transportation Code, is amended
 1-50 by amending Subsection (c) and adding Subsection (c-1) to read as
 1-51 follows:

1-52 (c) The department may award a contract under this section
 1-53 as a purchase of service under Subtitle D, Title 10, Government
 1-54 Code, if the department:

1-55 (1) estimates that the contract will be within
 1-56 [involve] an amount for which [a formal solicitation process for
 1-57 the purchase of services is not required under rules relating to the
 1-58 delegation of] purchasing authority has been delegated to state
 1-59 agencies under statute or rules adopted by the comptroller [under
 1-60 Subchapter C, Chapter 2155, Government Code]; and

2-1 (2) determines that the competitive bidding procedure
2-2 in this chapter is not practical.

2-3 (c-1) After the award of a contract described by Subsection
2-4 (c), the department shall post on the department's Internet website
2-5 the bid tabulation for that contract.

2-6 SECTION 3. The change in law made by this Act applies only
2-7 to a contract for which the Texas Department of Transportation
2-8 first advertises or otherwise solicits bids, proposals, offers, or
2-9 qualifications or makes a similar solicitation on or after the
2-10 effective date of this Act. A contract for which the Texas
2-11 Department of Transportation first advertises or otherwise
2-12 solicits bids, proposals, offers, or qualifications or makes a
2-13 similar solicitation before the effective date of this Act is
2-14 governed by the law in effect on the date the advertisement or
2-15 solicitation is made, and that law is continued in effect for that
2-16 purpose.

2-17 SECTION 4. This Act takes effect immediately if it receives
2-18 a vote of two-thirds of all the members elected to each house, as
2-19 provided by Section 39, Article III, Texas Constitution. If this
2-20 Act does not receive the vote necessary for immediate effect, this
2-21 Act takes effect September 1, 2021.

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