

Amend HB 2905 by inserting the following sections after SECTION 1 of the bill and renumber accordingly:

SECTION 2. Section 391.091, Transportation Code, is amended to read as follows:

Sec. 391.091. ERECTION AND MAINTENANCE OF SIGNS. (a) The department [commission] shall contract with an individual, firm, group, or association in this state to erect and maintain specific information logo signs, major shopping area guide signs, and major agricultural interest signs at appropriate locations along an eligible highway.

(b) The department may enter into a contract under this section by the method that the department determines is the most practical or most advantageous for the state, including competitive bids, competitive sealed proposals, and open market contracts.

(c) The department shall make a written award of a contract to the offeror whose proposal offers the best value for the state. In determining the best value for the state, the department may consider:

(1) revenue provided to the department by the contractor;

(2) fees to be charged eligible businesses or agricultural interests for inclusion on the signs;

(3) the quality of services offered;

(4) the contractor's financial resources and ability to perform; and

(5) any other factor the department considers relevant.

(d) To the extent of any conflict, this section prevails over any other law relating to the method of the purchasing of goods and services by the department.

(e) Subtitle D, Title 10, Government Code, and Chapter 223 do not apply to purchases of goods and services under this section.

SECTION 3. Section 201.112(a), Transportation Code, is amended to read as follows:

(a) The commission may by rule establish procedures for the informal resolution of a claim arising out of a contract described by:

- (1) Section 22.018;
- (2) Chapter 223; [~~or~~]
- (3) Chapter 2254, Government Code; or
- (4) Section 391.091.

SECTION 4. Sections 391.097(b) and (c), Transportation Code, are repealed.

SECTION 5. The change in law made by this Act applies only to a contract entered into by the Texas Department of Transportation on or after the effective date of this Act. A contract entered into by the Texas Transportation Commission before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.