

By: Phillips

H.B. No. 2899

Substitute the following for H.B. No. 2899:

By: Harper-Brown

C.S.H.B. No. 2899

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Department of Transportation
3 to contract for the erection and maintenance of specific
4 information logo signs, major shopping area guide signs, and major
5 agricultural interest signs.

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

7 SECTION 1. Section 391.091, Transportation Code, is amended
8 to read as follows:

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

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

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

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

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

3 (3) the quality of services offered;

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

6 (5) any other factor the department considers
7 relevant.

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

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

13 SECTION 2. Section 201.112(a), Transportation Code, is
14 amended to read as follows:

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

18 (1) Section 22.018;

19 (2) Chapter 223; ~~or~~

20 (3) Chapter 2254, Government Code; or

21 (4) Section 391.091.

22 SECTION 3. Sections 391.097(b) and (c), Transportation
23 Code, are repealed.

24 SECTION 4. The change in law made by this Act applies only
25 to a contract entered into by the Texas Department of
26 Transportation on or after the effective date of this Act. A
27 contract entered into by the Texas Transportation Commission before

1 the effective date of this Act is governed by the law as it existed
2 immediately before the effective date of this Act, and the former
3 law is continued in effect for that purpose.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2003.