

AN ACT

relating to certain requirements concerning specific information logo signs, major agricultural interest signs, and major shopping area guide signs.

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

SECTION 1. Section 391.098, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) In this section, "director" means the director or the director's designee.

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

1 consider:

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

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

6 (3) the quality of services offered;

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

9 (5) any other factor the department considers
10 relevant.

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

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

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

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

21 (1) Section 22.018;

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

23 (3) Chapter 2254, Government Code; or

24 (4) Section 391.091.

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26 Code, are repealed.

27 SECTION 5. The change in law made by this Act applies only

1 to a contract entered into by the Texas Department of
2 Transportation on or after the effective date of this Act. A
3 contract entered into by the Texas Transportation Commission before
4 the effective date of this Act is governed by the law as it existed
5 immediately before the effective date of this Act, and the former
6 law is continued in effect for that purpose.

7 SECTION 6. 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, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 2905 was passed by the House on May 6, 2003, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2905 on May 24, 2003, by the following vote: Yeas 126, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2905 was passed by the Senate, with amendments, on May 23, 2003, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor