

By: Williams

S.B. No. 1118

Substitute the following for S.B. No. 1118:

By: Casteel

C.S.S.B. No. 1118

A BILL TO BE ENTITLED

AN ACT

1
2 relating to competitive bidding procedures for certain purchases by
3 a local government.

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

5 SECTION 1. Section 262.0256, Local Government Code, is
6 amended to read as follows:

7 Sec. 262.0256. PRE-BID CONFERENCE FOR A COUNTY [~~CERTAIN~~
8 ~~COUNTIES~~] OR A DISTRICT GOVERNED BY THAT COUNTY [~~THOSE COUNTIES~~].

9 (a) [~~This section applies only to a county with a population of 2.8~~
10 ~~million or more.~~]

11 [~~(b)~~] The commissioners court of a a [~~the~~] county or the
12 governing body of a district or authority created under Section 59,
13 Article XVI, Texas Constitution, if the governing body is the
14 commissioners court of the county in which the district is located,
15 may require a principal, officer, or employee of each prospective
16 bidder to attend a mandatory pre-bid conference conducted for the
17 purpose of discussing contract requirements and answering
18 questions of prospective bidders.

19 (b) After a conference is conducted under Subsection (a),
20 any additional required notice for the proposed contract may be
21 sent by certified mail, return receipt requested, only to
22 prospective bidders who attended the conference. Notice under this
23 subsection is not subject to the requirements of Section 262.025.

24 SECTION 2. Section 271.0565, Local Government Code, is

1 amended to read as follows:

2 Sec. 271.0565. PRE-BID CONFERENCE FOR A COUNTY [~~CERTAIN~~
3 ~~COUNTIES~~] OR A DISTRICT GOVERNED BY THAT COUNTY [~~THOSE COUNTIES~~].

4 (a) [~~This section applies only to a county with a population of 2.8~~
5 ~~million or more.~~

6 [~~(b)~~] The commissioners court of a a [~~the~~] county or the
7 governing body of a district or authority created under Section 59,
8 Article XVI, Texas Constitution, if the governing body is the
9 commissioners court of the county in which the district is located,
10 may require a principal, officer, or employee of each prospective
11 bidder to attend a mandatory pre-bid conference conducted for the
12 purpose of discussing contract requirements and answering
13 questions of prospective bidders.

14 (b) After a conference is conducted under Subsection (a),
15 any additional required notice for the proposed contract may be
16 sent by certified mail, return receipt requested, only to
17 prospective bidders who attended the conference. Notice under this
18 subsection is not subject to the requirements of Section 271.055.

19 SECTION 3. Subchapter C, Chapter 271, Local Government
20 Code, is amended by adding Section 271.0566 to read as follows:

21 Sec. 271.0566. PREREQUISITES FOR MANDATORY PRE-BID
22 CONFERENCES. (a) A commissioners court may not require attendance
23 at a mandatory pre-bid conference under Section 262.0256(a) or
24 271.0565(a) unless the commissioners court makes available to the
25 public before the pre-bid conference the plans and specifications
26 for the work to be performed under the contract or the
27 specifications for any item to be purchased under the contract.

1 (b) Notwithstanding any other law, a governmental entity
2 may not require attendance at a pre-bid conference unless the
3 governmental entity makes the plans and specifications available in
4 the manner described by Subsection (a).

5 SECTION 4. This Act takes effect September 1, 2003, and
6 applies only to a proposed purchase or contract awarded by a
7 competitive purchasing procedure for which a mandatory pre-bid
8 conference is held on or after that date.