

By: Duncan

S.B. No. 1210

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to consideration of a bidder's principal place of business  
3 in awarding certain municipal and school district contracts.

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

5 SECTION 1. Section 271.905(b), Local Government Code, is  
6 amended to read as follows:

7 (b) In purchasing under this title any real property, ~~or~~  
8 personal property that is not affixed to real property, or  
9 services, if a local government receives one or more bids from a  
10 bidder whose principal place of business is in the local government  
11 and whose bid is within five ~~three~~ percent of the lowest bid price  
12 received by the local government from a bidder who is not a resident  
13 of the local government, the local government may enter into a  
14 contract with:

15 (1) the lowest bidder; or

16 (2) the bidder whose principal place of business is in  
17 the local government if the governing body of the local government  
18 determines, in writing, that the local bidder offers the local  
19 government the best combination of contract price and additional  
20 economic development opportunities for the local government  
21 created by the contract award, including the employment of  
22 residents of the local government and increased tax revenues to the  
23 local government.

24 SECTION 2. Section 44.031, Education Code, is amended by

1 adding Subsection (b-1) to read as follows:

2 (b-1) In awarding a contract using a method described under  
3 Subsection (a)(1) or (a)(2), a school district may consider a  
4 bidder's or offeror's principal place of business in the manner  
5 provided by Section 271.905, Local Government Code.

6 SECTION 3. Section 44.033, Education Code, is amended by  
7 amending Subsection (c) and adding Subsection (f) to read as  
8 follows:

9 (c) Before the district makes a purchase from a category of  
10 personal property, the district must obtain written or telephone  
11 price quotations from at least three vendors from the list for that  
12 category. If fewer than three vendors are on the list, the district  
13 shall contact each vendor on the list. Whenever possible, telephone  
14 quotes should be confirmed in writing by mail or facsimile. The  
15 bidding records must be retained with the school's competitive  
16 bidding records and are subject to audit. Except as provided by  
17 Subsection (f), the [~~The~~] purchase shall be made from the lowest  
18 responsible bidder.

19 (f) In awarding a contract under this section, a school  
20 district may consider a bidder's principal place of business in the  
21 manner provided by Section 271.905, Local Government Code.

22 SECTION 4. This Act takes effect September 1, 2003, and  
23 applies only to a contract for which the initial notice soliciting  
24 bids or proposals is given on or after that date. A contract for  
25 which the initial notice soliciting bids or proposals is given  
26 before September 1, 2003, is governed by the law in effect when the  
27 initial notice is given, and the former law is continued in effect

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1 for that purpose.