

By: Van Arsdale

H.B. No. 100

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the award of certain highway contracts by the Texas  
3 Department of Transportation.

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

5 SECTION 1. Section 223.0041(c), Transportation Code, is  
6 amended to read as follows:

7 (c) If [~~For a maintenance contract involving an amount less~~  
8 ~~than \$100,000, if~~] the lowest bidder withdraws its bid prior to  
9 contract award or fails to execute the contract, the director may  
10 recommend to the commission that the contract be awarded to the  
11 second lowest bidder. The commission may award the [~~maintenance~~]  
12 contract to the second lowest bidder if the second lowest bidder  
13 agrees to accept a bid price that is within five percent of the bid  
14 price [~~the unit bid prices~~] of the lowest bidder. The commission  
15 shall adopt rules governing the conditions under which the  
16 department will allow the withdrawal of the bid of the lowest bidder  
17 and consider awarding a [~~maintenance~~]  
18 bidder.

19 SECTION 2. (a) The changes in law made by this Act to the  
20 Texas Department of Transportation's contract procedures apply  
21 only to a highway project for which the department first solicits  
22 bids on or after September 1, 2005.

23 (b) A highway project for which the Texas Department of  
24 Transportation first solicited bids before September 1, 2005, is

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

4 SECTION 3. This Act takes effect September 1, 2005.