

AN ACT

relating to the award of certain highway maintenance contracts by the Texas Department of Transportation and to local matching funds requirements for highway projects.

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

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

(c) For a maintenance contract involving an amount less than \$300,000 [~~\$100,000~~], if the lowest bidder withdraws its bid prior to contract award or fails to execute the contract, the director may recommend to the commission that the contract be awarded to the second lowest bidder. The commission may award the maintenance contract to the second lowest bidder if the second lowest bidder agrees to accept the unit bid prices of the lowest bidder. The commission shall adopt rules governing the conditions under which the department will allow the withdrawal of the bid of the lowest bidder and consider awarding a maintenance contract to the second lowest bidder.

SECTION 2. Section 222.053, Transportation Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) The commission shall certify a county as an economically disadvantaged county on an annual basis as soon as possible after the comptroller reports on the economic indicators listed under Subsection (a). A county certified under this section is eligible

1 for an adjustment under Subsection (c)(2).

2 (g) The commission shall determine whether to make an  
3 adjustment under Subsection (c)(2) at the time a political  
4 subdivision that consists of all or a portion of an economically  
5 disadvantaged county submits a proposal to construct, maintain, or  
6 extend a highway or for another type of highway project.

7 (h) The commission may delegate any of its duties or powers  
8 under this section to the director or the director's designee.

9 SECTION 3. (a) The changes in law made by this Act to the  
10 Texas Department of Transportation's contract procedures apply  
11 only to a highway project for which the department first solicits  
12 bids on or after September 1, 2005.

13 (b) A highway project for which the Texas Department of  
14 Transportation first solicited bids before September 1, 2005, is  
15 governed by the law as it existed immediately before the effective  
16 date of this Act, and that law is continued in effect for that  
17 purpose.

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 573 passed the Senate on March 31, 2005, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 573 passed the House, with amendment, on May 25, 2005, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor