

By: Brimer

S.B. No. 573

A BILL TO BE ENTITLED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

relating to the award of certain highway maintenance contracts by the Texas Department of Transportation.

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

(b) A highway project for which the Texas Department of Transportation first solicited bids before September 1, 2005, is governed by the law as it existed immediately before the effective

1 date of this Act, and that law is continued in effect for that  
2 purpose.

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