

1-1 By: Brimer S.B. No. 573  
1-2 (In the Senate - Filed February 17, 2005; March 1, 2005,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; March 14, 2005, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; March 14, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the award of certain highway maintenance contracts by  
1-9 the Texas Department of Transportation.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (c), Section 223.0041,  
1-12 Transportation Code, is amended to read as follows:

1-13 (c) For a maintenance contract involving an amount less than  
1-14 \$300,000 [~~\$100,000~~], if the lowest bidder withdraws its bid prior  
1-15 to contract award or fails to execute the contract, the director may  
1-16 recommend to the commission that the contract be awarded to the  
1-17 second lowest bidder. The commission may award the maintenance  
1-18 contract to the second lowest bidder if the second lowest bidder  
1-19 agrees to accept the unit bid prices of the lowest bidder. The  
1-20 commission shall adopt rules governing the conditions under which  
1-21 the department will allow the withdrawal of the bid of the lowest  
1-22 bidder and consider awarding a maintenance contract to the second  
1-23 lowest bidder.

1-24 SECTION 2. (a) The changes in law made by this Act to the  
1-25 Texas Department of Transportation's contract procedures apply  
1-26 only to a highway project for which the department first solicits  
1-27 bids on or after September 1, 2005.

1-28 (b) A highway project for which the Texas Department of  
1-29 Transportation first solicited bids before September 1, 2005, is  
1-30 governed by the law as it existed immediately before the effective  
1-31 date of this Act, and that law is continued in effect for that  
1-32 purpose.

1-33 SECTION 3. This Act takes effect September 1, 2005.

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