

By: Puente

H.B. No. 2792

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain metropolitan rapid transit
authorities to utilize bid and contract alternatives.

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

SECTION 1. Subchapter B, Chapter 451, Transportation Code,
is amended by adding Section 451.073 to read as follows:

Section 451.073. Bid and Contract Alternatives. (a) This
section applies to:

(1) an authority created before 1980 and in which the
principal municipality has a population of more than 1.2 million;
and

(2) a project with a proposed cost of more than \$50
million inclusive of engineering/architectural design, project
management and administrative costs.

(b) An authority has the same bid and contract alternatives
and procedures as those authorized to the State in Tex. Gov't Code
Sec. 2166.2531 through and including Sec. 2155.2535. A reference in
these statutory provisions to the "Commission" shall mean the
"authority".

(c) "Project" means construction of a portion of a transit
authority system, including but not limited to, buildings, roads,
streets, bridges, utilities, parking facilities, and advanced
transportation facilities that are determined by the authority to
be necessary to carry out the purposes of this Chapter.

SECTION 2. Section 451.110(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (c), ~~[and by]~~ Subchapter Q, or by Section 451.073, a board may not contract for the construction of an improvement or the purchase of any property, except through competitive bidding after notice of the contract proposal. The notice must be published in a newspaper of general circulation in the area in which the authority is located at least once each week for two consecutive weeks before the date set for receiving the bids. The first notice must be published at least 15 days before the date set for receiving bids.

SECTION 3. Section 451.111(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subchapter Q or by Section 451.073, unless the posting requirement in Subsection (b) is satisfied, a board may not let a contract that is:

- (1) for more than \$25,000; and
- (2) for:
 - (A) the purchase of real property; or
 - (B) consulting or professional services.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on September 1, 2007.