

By: Ortiz, Jr.

H.B. No. 3555

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedures for awarding certain contracts financed
3 by certificates of obligation.

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

5 SECTION 1. Section 271.054, Local Government Code, is
6 amended to read as follows:

7 Sec. 271.054. COMPETITIVE BIDDING REQUIREMENT. Before the
8 governing body of an issuer may enter into a contract requiring an
9 expenditure by or imposing an obligation or liability on the
10 issuer, or on a subdivision of the issuer if the issuer is a county,
11 of more than \$25,000, the governing body must:

12 (1) submit the proposed contract to competitive
13 bidding; or

14 (2) for a contract for which a governmental entity
15 first advertised or otherwise requested bids, proposals, offers, or
16 qualifications on or after September 1, 2003, use an alternate
17 method of project delivery authorized under Subchapter H.

18 SECTION 2. Sections 271.118, Local Government Code, is
19 amended by amending Subsections (f) and (i) and adding Subsection
20 (f-1) to read as follows:

21 (f) At each step, the governmental entity shall receive,
22 publicly open, and read aloud the names of the offerors. If the
23 governmental entity has requested as a part of the offeror's
24 proposal proposed fees and prices for fulfilling the general

1 conditions, the governmental entity may not read aloud the fees and
2 prices at the time the proposals are opened [~~At the appropriate~~
3 ~~step, the governmental entity shall also read aloud the fees and~~
4 ~~prices, if any, stated in each proposal as the proposal is opened~~].
5 For a contract or arrangement using the method provided by this
6 section for which a governmental entity first advertised or
7 otherwise requested bids, proposals, offers, or qualifications on
8 or after September 1, 2003, failure to comply with this subsection
9 does not:

10 (1) void a contract or arrangement under Section
11 271.112(f); or

12 (2) otherwise violate a provision of this subchapter.

13 (f-1) Not later than the 45th day after the date of opening
14 the proposals, the governmental entity shall evaluate and rank each
15 proposal submitted in relation to the criteria set forth in the
16 request for proposals.

17 (i) The construction manager-at-risk and the governmental
18 entity or its representative shall review all trade contractor or
19 subcontractor bids or proposals in a manner that does not disclose
20 the contents of the bid or proposal during the selection process to
21 a person not employed by the construction manager-at-risk,
22 engineer, architect, or governmental entity. All bids or proposals
23 shall be made public after the award of the contract or not later
24 than the seventh day after the date of final selection of bids or
25 proposals, whichever is later. The fees and prices that are made
26 public under this subsection must include the totals associated
27 with the separate categories of each bid or proposal along with the

1 other information associated with the category except for
2 information identified as trade secrets or confidential
3 information.

4 SECTION 3. This Act takes effect September 1, 2007.