

SENATE AMENDMENTS

2nd Printing

By: Brown of Brazos

H.B. No. 119

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the exemption from competitive bidding for certain
3 purchases.

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

5 SECTION 1. Section 2155.132(e), Government Code, is amended
6 to read as follows:

7 (e) Competitive bidding, whether formal or informal, is not
8 required for a purchase by a state agency if the purchase:

9 (1) does not exceed \$5,000; and

10 (2) is not made under a written contract [~~\$2,000, or a~~
11 ~~greater amount prescribed by commission rule~~].

12 SECTION 2. Section 2157.0611, Government Code, is amended
13 to read as follows:

14 Sec. 2157.0611. REQUIREMENT TO EVALUATE THREE OFFERS WHEN
15 POSSIBLE. A catalog purchase or lease that exceeds \$5,000 [~~\$2,000~~]
16 or that is made under a written contract [~~a greater amount~~
17 ~~prescribed by commission rule~~] shall, when possible, be based on an
18 evaluation of at least three catalog offers made to the commission
19 or other state agency by catalog information systems vendors. If at
20 least three catalog offers are not evaluated by the commission or
21 other state agency before a purchase or lease is made that exceeds
22 the threshold amount or is made under a written contract, the
23 commission or other agency shall document the reasons for that fact
24 before making the purchase or lease under Section 2157.063.

1 SECTION 3. The changes in law made by this Act to Sections
2 2155.132(e) and 2157.0611, Government Code, apply only to a
3 purchase under a contract entered into on or after the effective
4 date of this Act. A purchase under a contract entered into before
5 the effective date of this Act is governed by the law in effect on
6 the date the contract was entered into, and the former law is
7 continued in effect for that purpose.

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

Third Reading
[Signature]
BY: _____

FLOOR AMENDMENT NO. 1

1 H.B. No. 119 (Senate committee printing) as follows:
2 (1) Strike SECTION 1 of the bill (page 1, lines 11 through
3 17) and substitute the following:
4 SECTION 1. Section 2155.132, Government Code, is amended by
5 amending Subsection (e) and adding Subsection (i) to read as
6 follows:
7 (e) Competitive bidding, whether formal or informal, is
8 ~~[not]~~ required for a purchase by a state agency if the purchase:
9 (1) exceeds \$5,000; or
10 (2) is made under a written contract ~~[does not exceed~~
11 ~~\$2,000, or a greater amount prescribed by commission rule].~~
12 (i) For purposes of this section, "written contract" means
13 a contract awarded by a state agency on the basis of a
14 competitive bidding process.
15 (2) In SECTION 2 of the bill, in amended Section
16 2157.0611, Government Code (page 1, line 21), between
17 "POSSIBLE." and "A catalog", insert "(a)".
18 (3) In SECTION 2 of the bill, following amended Section
19 2157.0611, Government Code (page 1, between lines 30 and 31),
20 insert the following:
21 (b) For purposes of this section, "written contract" means
22 a contract awarded by a state agency on the basis of a
23 competitive bidding process.

ADOPTED

MAY 21 2007

[Signature]
Secretary of the Senate

3

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 10, 2007

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB119** by Brown, Fred (Relating to the exemption from competitive bidding for certain purchases.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill removes competitive bidding requirement for a state agency if the purchase does not exceed \$5,000 and is not made under a written contract.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 303 Building and Procurement Commission, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 327 Employees Retirement System, 405 Department of Public Safety, 529 Health and Human Services Commission, 537 State Health Services, Department of, 538 Assistive and Rehabilitative Services, Department of, 539 Aging and Disability Services, Department of, 696 Department of Criminal Justice

LBB Staff: JOB, MN, MS, EP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 18, 2007

TO: Honorable Bill Callegari, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB119 by Brown, Fred (Relating to the exemption from competitive bidding for certain purchases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill removes competitive bidding requirement for a state agency if the purchase does not exceed \$2,000 and is not made under a written contract.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 303 Building and Procurement Commission, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 327 Employees Retirement System, 405 Department of Public Safety, 529 Health and Human Services Commission, 537 State Health Services, Department of, 538 Assistive and Rehabilitative Services, Department of, 539 Aging and Disability Services, Department of, 696 Department of Criminal Justice

LBB Staff: JOB, MN, MS, EP