

By: Flynn, Davis of Dallas,
Gonzalez Toureilles

H.B. No. 78

A BILL TO BE ENTITLED

AN ACT

relating to the amount of a county expenditure for which competitive bidding is required.

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

SECTION 1. Section 262.003(a), Local Government Code, is amended to read as follows:

(a) Any law that requires a county to follow a competitive bidding procedure in making a purchase requiring the expenditure of \$50,000 [~~\$25,000~~] or less does not apply to the purchase of an item available for purchase from only one supplier.

SECTION 2. Section 262.023(a), Local Government Code, is amended to read as follows:

(a) Before a county may purchase one or more items under a contract that will require an expenditure exceeding \$50,000 [~~\$25,000~~], the commissioners court of the county must:

(1) comply with the competitive bidding or competitive proposal procedures prescribed by this subchapter;

(2) use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing; or

(3) comply with a method described by Subchapter H, Chapter 271.

SECTION 3. Section 271.024, Local Government Code, is amended to read as follows:

Sec. 271.024. COMPETITIVE BIDDING PROCEDURE APPLICABLE TO

1 CONTRACT. The bidding of [~~If a governmental entity is required by~~
2 ~~statute to award~~] a contract awarded by a governmental entity for
3 the construction, repair, or renovation of a structure, road,
4 highway, or other improvement or addition to real property [~~on the~~
5 ~~basis of competitive bids, and if the contract requires the~~
6 ~~expenditure of more than \$25,000 from the funds of the entity, the~~
7 ~~bidding on the contract~~] must be accomplished in the manner
8 provided by this subchapter if:

9 (1) a statute requires the governmental entity to
10 award the contract on the basis of competitive bids; and

11 (2) the contract requires the expenditure of more
12 than:

13 (A) \$25,000 from the funds of a governmental
14 entity other than a county; or

15 (B) \$50,000 from the funds of a county.

16 SECTION 4. Section 363.156(b), Local Government Code, is
17 amended to read as follows:

18 (b) To the extent competitive bidding procedures in Title 8
19 apply, the board may not enter purchasing contracts that involve
20 spending more than \$50,000 [~~\$25,000~~] unless the board complies
21 with:

22 (1) Subchapter C, Chapter 262, if the district was
23 created by a county; or

24 (2) Chapter 252, if the district was created by a
25 municipality.

26 SECTION 5. The change in law made by this Act applies only
27 to a contract awarded on or after the effective date of this Act.

1 SECTION 6. This Act takes effect September 1, 2009.