

By: McClendon

H.B. No. 2325

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the competitive bidding and notice requirements for  
3 contracts of certain mass transportation authorities.

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

5 SECTION 1. Section 451.110(c), Transportation Code, is  
6 amended to read as follows:

7 (c) Subsection (a) does not apply to a contract for:

8 (1) \$50,000 [~~\$25,000~~] or less;

9 (2) the purchase of real property;

10 (3) personal or professional services; or

11 (4) the acquisition of an existing transit system.

12 SECTION 2. Section 451.111(a), Transportation Code, is  
13 amended to read as follows:

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

17 (1) for more than \$50,000 [~~\$25,000~~]; and

18 (2) for:

19 (A) the purchase of real property; or

20 (B) consulting or professional services.

21 SECTION 3. Section 452.107(c), Transportation Code, is  
22 amended to read as follows:

23 (c) The executive committee may authorize the negotiation  
24 of a contract without competitive sealed bids or proposals if:

1           (1) the aggregate amount involved in the contract is  
2 \$50,000 [~~\$25,000~~] or less;

3           (2) the contract is for construction for which not  
4 more than one bid or proposal is received;

5           (3) the contract is for services or property for which  
6 there is only one source or for which it is otherwise impracticable  
7 to obtain competition;

8           (4) the contract is to respond to an emergency for  
9 which the public exigency does not permit the delay incident to the  
10 competitive process;

11           (5) the contract is for personal or professional  
12 services or services for which competitive bidding is precluded by  
13 law; or

14           (6) the contract, without regard to form and which may  
15 include bonds, notes, loan agreements, or other obligations, is for  
16 the purpose of borrowing money or is a part of a transaction  
17 relating to the borrowing of money, including:

18                   (A) a credit support agreement, such as a line or  
19 letter of credit or other debt guaranty;

20                   (B) a bond, note, debt sale or purchase, trustee,  
21 paying agent, remarketing agent, indexing agent, or similar  
22 agreement;

23                   (C) an agreement with a securities dealer or  
24 investment adviser, broker, or underwriter; and

25                   (D) any other contract or agreement considered by  
26 the executive committee to be appropriate or necessary in support  
27 of the authority's financing activities.

1           SECTION 4. The change in law made by this Act applies only  
2 to a contract for which a regional transportation authority first  
3 advertises or otherwise solicits bids or proposals on or after the  
4 effective date of this Act.

5           SECTION 5. This Act takes effect September 1, 2011.