

By: Smith of Harris

H.B. No. 2771

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the purchasing powers and duties of a navigation
3 district or port authority.

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

5 SECTION 1. Section 60.4035(a), Water Code, as amended by
6 Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of the 81st
7 Legislature, Regular Session, 2009, is reenacted to read as
8 follows:

9 (a) Notwithstanding the competitive bidding requirements
10 and proposal procedures of this subchapter and Subchapter O and the
11 requirements of Sections 60.408(a), (b), (c), (d), and (e), the
12 executive director of a district or an officer of a district
13 authorized in writing by the port commission may make emergency
14 purchases or contracts or emergency amendments to existing purchase
15 orders or contracts in an amount that exceeds the amount authorized
16 under Section 60.403(a) for routine purchases or contracts if
17 necessary:

18 (1) to preserve or protect the public health and
19 safety of the residents of the district;

20 (2) to preserve the property of the district in the
21 case of a public calamity;

22 (3) to repair unforeseen damage to the property of the
23 district; or

24 (4) to respond to security directives issued by:

- 1 (A) the federal Department of Homeland Security,
2 including the Transportation Security Administration;
3 (B) the United States Coast Guard;
4 (C) the federal Department of Transportation,
5 including the Maritime Administration; or
6 (D) another federal or state agency responsible
7 for domestic security.

8 SECTION 2. Sections 60.404(a) and (d), Water Code, as
9 amended by Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of
10 the 81st Legislature, Regular Session, 2009, are reenacted to read
11 as follows:

12 (a) If the materials, supplies, machinery, equipment, or
13 other items to be purchased or contracted for are valued at an
14 amount greater than the amount authorized under Section 60.403(a)
15 for routine purchases or contracts, notice shall be published as
16 provided by this section.

17 (d) The specifications must:

18 (1) describe in detail the item to be acquired;

19 (2) require that bids be sealed;

20 (3) require the attachment to the bid of a certified
21 check, cashier's check, or bidders bond, if security is required in
22 connection with the bid; and

23 (4) indicate whether a small business development
24 program adopted by the port commission of the port authority or
25 district applies to the purchase and, if so, where a copy of the
26 program requirements may be obtained.

27 SECTION 3. Section 60.406(a), Water Code, as amended by

1 Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of the 81st
2 Legislature, Regular Session, 2009, is reenacted to read as
3 follows:

4 (a) Except as otherwise provided by Section 60.4035 or
5 60.412, before a district or port authority may purchase one or more
6 items under a contract that will require an expenditure of more than
7 the amount authorized under Section 60.403(a) for routine purchases
8 or contracts, the port commission of that district or port
9 authority must comply with the competitive bidding requirements or
10 proposal procedures provided by this subchapter or Subchapter O.
11 All bids must be sealed.

12 SECTION 4. To the extent of any conflict, this Act prevails
13 over another Act of the 82nd Legislature, Regular Session, 2011,
14 relating to nonsubstantive additions to and corrections in enacted
15 codes.

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2011.