

1-1 By: Davis S.B. No. 1864
1-2 (In the Senate - Filed March 11, 2011; March 24, 2011, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 26, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 1;
1-6 April 26, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1864 By: Davis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the awarding of contracts by the Texas Department of
1-11 Transportation to private sector providers.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 223, Transportation Code,
1-14 is amended by adding Section 223.049 to read as follows:

1-15 Sec. 223.049. PREFERENCE FOR CERTAIN PROVIDERS. (a) In
1-16 awarding a contract to a private sector provider, the department
1-17 shall give preference to a private sector provider if:

1-18 (1) the preference serves to create a positive
1-19 economic impact on job growth and job retention in this state;

1-20 (2) the transportation project for which the contract
1-21 is being awarded is funded entirely from:

1-22 (A) state funds;

1-23 (B) local funds; or

1-24 (C) a combination of state and local funds; and

1-25 (3) the provider meets department expectations
1-26 regarding price for the contract.

1-27 (b) The department, in determining whether the preference
1-28 serves to create a positive economic impact on job growth and job
1-29 retention in this state under Subsection (a), may consider a
1-30 private sector provider's employment presence and business
1-31 establishments in this state.

1-32 SECTION 2. This Act takes effect immediately if it receives
1-33 a vote of two-thirds of all the members elected to each house, as
1-34 provided by Section 39, Article III, Texas Constitution. If this
1-35 Act does not receive the vote necessary for immediate effect, this
1-36 Act takes effect September 1, 2011.

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