

By: Harper-Brown

H.B. No. 3648

A BILL TO BE ENTITLED

AN ACT

relating to the awarding of governmental contracts.

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

SECTION 1. Subchapter B, Chapter 2155, Government Code, is amended by adding Section 2155.088 to read as follows:

Sec. 2155.088. MATERIAL CHANGES TO CONTRACT SOLICITATION TERMS. (a) Notwithstanding any other law, the performance of a contract for goods or services awarded under this chapter must substantially comply with the terms contained in the written solicitation for the contract and the terms considered in evaluating responses to the solicitation, including terms regarding cost of materials or labor, duration, price, schedule, and scope.

(b) After the evaluation of responses to a solicitation is completed but before a contract for goods or services is awarded under this chapter, the governing body of a state agency, if applicable, must hold a meeting to consider any proposed material change to a term described by Subsection (a) before the agency approves the change. For purposes of this section, a material change includes any change to a term described by Subsection (a) that has the effect of:

(1) extending the length of or postponing the completion of the contract for six months or more; or

(2) increasing the total consideration to be paid

1 under the contract by at least 10 percent, including by
2 substituting certain goods, materials, products, or services.

3 SECTION 2. Section 2252.002, Government Code, is amended to
4 read as follows:

5 Sec. 2252.002. AWARD OF CONTRACT TO NONRESIDENT BIDDER. A
6 governmental entity may not award a governmental contract to a
7 nonresident bidder unless the nonresident underbids the lowest bid
8 submitted by a responsible resident bidder by an amount that is not
9 less than the amount by which a resident bidder would be required to
10 underbid the nonresident bidder to obtain a comparable contract in:

11 (1) the state in which the nonresident's principal
12 place of business is located; or

13 (2) a state in which the nonresident is a resident
14 manufacturer.

15 SECTION 3. Section 2155.088, Government Code, as added by
16 this Act, applies only to a contract for which a state agency first
17 advertises or otherwise solicits bids, proposals, offers, or
18 qualifications or makes a similar solicitation on or after the
19 effective date of this Act.

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2013.