

By: Smith

H.B. No. 3681

Substitute the following for H.B. No. 3681:

By: Dutton

C.S.H.B. No. 3681

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the acceptance of bids for certain contracts for
3 improvements to real property from a person who received
4 compensation for participating in the preparation of the bidding
5 specifications.

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

7 SECTION 1. Subchapter Z, Chapter 271, Local Government
8 Code, is amended by adding Section 271.909 to read as follows:

9 Sec. 271.909. CERTAIN BIDS AND CONTRACTS FOR IMPROVEMENTS
10 TO REAL PROPERTY PROHIBITED. (a) In this section, "local
11 government" means a municipality, county, or other political
12 subdivision of this state subject to competitive bidding
13 requirements.

14 (b) A local government may not accept a bid or award a
15 contract for an improvement to real property that includes proposed
16 financial participation by a person who received compensation from
17 the local government to participate in preparing the specifications
18 or request for proposals on which the bid or contract is based.

19 (c) A bid or award subject to the requirements of this
20 section must include the following statement:

21 "Under Section 271.909, Local Government Code, the vendor
22 certifies that the individual or business entity named in this bid
23 or contract is not ineligible to receive the specified contract and
24 acknowledges that this contract may be terminated and payment

1 withheld if this certification is inaccurate."

2 (d) If a local government determines that an individual or
3 business entity holding a local government contract was ineligible
4 to have the contract accepted or awarded under Subsection (b), the
5 local government may immediately terminate the contract without
6 further obligation to the vendor.

7 (e) This section does not create a cause of action to
8 contest a bid or award of a local government contract.

9 (f) This section does not prohibit a bidder or contract
10 participant from providing free technical assistance to a local
11 government.

12 (g) This section does not apply to a contract for
13 professional services that constitute the practice of architecture
14 within the meaning of Chapter 1051, Occupations Code, or the
15 practice of engineering within the meaning of Chapter 1001,
16 Occupations Code.

17 SECTION 2. The change in law made by this Act applies only
18 to a request for proposals, competitive bidding notice, or other
19 similar request issued by a local government on or after the
20 effective date of this Act.

21 SECTION 3. This Act takes effect September 1, 2013.