

By: Davis

S.B. No. 1294

A BILL TO BE ENTITLED

AN ACT

relating to the awarding of contracts by the Texas Department of  
Transportation to private sector providers.

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

SECTION 1. Subchapter B, Chapter 223, Transportation Code,  
is amended by adding Section 223.050 to read as follows:

Sec. 223.050. PREFERENCE FOR CERTAIN PROVIDERS. (a) In  
awarding a contract to a private sector provider, the department  
shall give preference to a private sector provider if:

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

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

(A) state funds;

(B) local funds; or

(C) a combination of state and local funds; and

(3) in procuring the contract, the amount of the bid or  
proposal of the provider does not exceed the amount equal to 105  
percent of the lowest bid or proposal received by the department for  
the procurement.

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

1 in this state.

2 (c) This section does not apply to the procurement of  
3 professional services under Subchapter A, Chapter 2254, Government  
4 Code.

5 SECTION 2. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2013.