

By: Davis
(Guerra)

S.B. No. 1294

Substitute the following for S.B. No. 1294:

By: Phillips

C.S.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)

Except as provided by Subsection (d), 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) the amount of the bid or proposal of the provider
does not exceed an amount equal to 105 percent of the lowest bid or
proposal received by the department for the transportation project.

(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 (d) The department must give equal preference to a private
6 sector provider under Subsection (a) and a private sector provider
7 whose principal place of business is located in a state that:

8 (1) borders this state; and

9 (2) does not award preferential treatment to private
10 sector providers in a manner similar to this section.

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