

1-1 By: Davis S.B. No. 1294
 1-2 (In the Senate - Filed March 7, 2013; March 13, 2013, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 8, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1294 By: Davis

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the awarding of contracts by the Texas Department of
 1-22 Transportation to private sector providers.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 223, Transportation Code,
 1-25 is amended by adding Section 223.050 to read as follows:

1-26 Sec. 223.050. PREFERENCE FOR CERTAIN PROVIDERS. (a) In
 1-27 awarding a contract to a private sector provider, the department
 1-28 shall give preference to a private sector provider if:

1-29 (1) the preference serves to create a positive
 1-30 economic impact on job growth and job retention in this state;

1-31 (2) the transportation project for which the contract
 1-32 is being awarded is funded entirely from:

1-33 (A) state funds;

1-34 (B) local funds; or

1-35 (C) a combination of state and local funds; and

1-36 (3) in procuring the contract, the amount of the bid or
 1-37 proposal of the provider does not exceed the amount equal to 105
 1-38 percent of the lowest bid or proposal received by the department for
 1-39 the procurement.

1-40 (b) The department, in determining whether the preference
 1-41 under Subsection (a) serves to create a positive economic impact on
 1-42 job growth and job retention in this state, may consider a private
 1-43 sector provider's employment presence and business establishments
 1-44 in this state.

1-45 (c) This section does not apply to the procurement of
 1-46 professional services under Subchapter A, Chapter 2254, Government
 1-47 Code.

1-48 SECTION 2. This Act takes effect immediately if it receives
 1-49 a vote of two-thirds of all the members elected to each house, as
 1-50 provided by Section 39, Article III, Texas Constitution. If this
 1-51 Act does not receive the vote necessary for immediate effect, this
 1-52 Act takes effect September 1, 2013.

1-53 * * * * *