

By: Israel

H.B. No. 3491

A BILL TO BE ENTITLED

AN ACT

relating to asset management agreements of the Texas Department of Transportation.

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

Section 1. Section 223.0041, Transportation Code, is amended by adding subsection (d) to read as follows:

Sec. 223.0041. AWARD OF CONTRACTS. (a) Except as provided by Section 223.005, all bids received and not rejected by the department shall be tabulated and forwarded to the commission.

(b) The commission may accept or reject the bids. Except as provided in Subsections (c) and (d), if the bids are accepted, the commission shall award the contract to the lowest bidder, subject to Section 223.045.

(c) For a maintenance contract involving an amount less than \$300,000, if the lowest bidder withdraws its bid prior to contract award or fails to execute the contract, the director may recommend to the commission that the contract be awarded to the second lowest bidder. The commission may award the maintenance contract to the second lowest bidder if the second lowest bidder agrees to accept the unit bid prices of the lowest bidder. The commission shall adopt rules governing the conditions under which the department will allow the withdrawal of the bid of the lowest bidder and consider awarding a maintenance contract to the second lowest bidder.

1        (d) For a performance-based maintenance contract in an  
2 amount of \$300,000 or more, the commission shall award the contract  
3 to the lowest responsible bidder. For purposes of determining the  
4 lowest responsible bidder, the department shall first prepare and  
5 issue a request for qualifications to identify those firms  
6 qualified to bid on a performance-based maintenance project of the  
7 size and complexity for which bids will be requested. From among  
8 the bids received from firms determined to be qualified to bid, the  
9 commission shall award the contract to the lowest bidder.

10        SECTION 2. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2015.