

By: Taylor of Collin

S.B. No. 1236

A BILL TO BE ENTITLED

1 AN ACT
2 relating to asset management agreements of the Texas Department of
3 Transportation.

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

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

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

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

14 (c) For a maintenance contract involving an amount less than
15 \$300,000, if the lowest bidder withdraws its bid prior to contract
16 award or fails to execute the contract, the director may recommend
17 to the commission that the contract be awarded to the second lowest
18 bidder. The commission may award the maintenance contract to the
19 second lowest bidder if the second lowest bidder agrees to accept
20 the unit bid prices of the lowest bidder. The commission shall
21 adopt rules governing the conditions under which the department
22 will allow the withdrawal of the bid of the lowest bidder and
23 consider awarding a maintenance contract to the second lowest
24 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.