

By: Thompson of Brazoria

H.B. No. 3515

A BILL TO BE ENTITLED

AN ACT

relating to certain contracts awarded by the Texas Department of Transportation.

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

SECTION 1. Section 223.001, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c) and Section 223.042(c), the ~~[The]~~ department shall submit for competitive bids each contract for:

- (1) the improvement of a highway;
- (2) materials to be used in the construction or maintenance of a highway; or
- (3) traffic control or safety devices to be used on a highway.

(c) The department may award a contract described by Subsection (b)(2) or (3) as a purchase of goods under Subtitle D, Title 10, Government Code, if the department:

(1) estimates that the contract will involve an amount for which the comptroller has delegated purchasing authority for the purchase of goods to state agencies under rules adopted by the comptroller under Subchapter C, Chapter 2155, Government Code; and

(2) determines that the competitive bidding procedure in this chapter is not practical.

1 SECTION 2. Section 223.042(c), Transportation Code, is
2 amended to read as follows:

3 (c) The department may award a contract under this section
4 as a purchase of service under Subtitle D, Title 10, Government
5 Code, if the department:

6 (1) estimates that the contract will involve an amount
7 for which the comptroller has delegated [~~a formal solicitation~~
8 ~~process for the purchase of services is not required under rules~~
9 ~~relating to the delegation of~~] purchasing authority for the
10 purchase of services to state agencies under rules adopted by the
11 comptroller under Subchapter C, Chapter 2155, Government Code; and

12 (2) determines that the competitive bidding procedure
13 in this chapter is not practical.

14 SECTION 3. The change in law made by this Act applies only
15 to a contract for which the Texas Department of Transportation
16 first advertises or otherwise solicits bids, proposals, offers, or
17 qualifications or makes a similar solicitation on or after the
18 effective date of this Act. A contract for which the Texas
19 Department of Transportation first advertises or otherwise
20 solicits bids, proposals, offers, or qualifications or makes a
21 similar solicitation before the effective date of this Act is
22 governed by the law in effect on the date the advertisement or
23 solicitation is made, and that law is continued in effect for that
24 purpose.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2021.