

By: Spiller, et al.

H.B. No. 1132

A BILL TO BE ENTITLED

AN ACT

relating to the amount of an expenditure made by certain political subdivisions for which competitive bidding is required.

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

SECTION 1. Section 44.031(a), Education Code, is amended to read as follows:

(a) Except as provided by this subchapter, all school district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$100,000 [~~\$50,000~~] or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for the district:

(1) competitive bidding for services other than construction services;

(2) competitive sealed proposals for services other than construction services;

(3) a request for proposals, for services other than construction services;

(4) an interlocal contract;

(5) a method provided by Chapter 2269, Government Code, for construction services;

(6) the reverse auction procedure as defined by Section 2155.062(d), Government Code; or

(7) the formation of a political subdivision

1 corporation under Section 304.001, Local Government Code.

2 SECTION 2. Section 252.021(a), Local Government Code, is  
3 amended to read as follows:

4 (a) Before a municipality may enter into a contract that  
5 requires an expenditure of more than \$100,000 [~~\$50,000~~] from one or  
6 more municipal funds, the municipality must:

7 (1) comply with the procedure prescribed by this  
8 subchapter and Subchapter C for competitive sealed bidding or  
9 competitive sealed proposals;

10 (2) use the reverse auction procedure, as defined by  
11 Section 2155.062(d), Government Code, for purchasing; or

12 (3) comply with a method described by Chapter 2269,  
13 Government Code.

14 SECTION 3. Section 252.0215, Local Government Code, is  
15 amended to read as follows:

16 Sec. 252.0215. COMPETITIVE BIDDING IN RELATION TO  
17 HISTORICALLY UNDERUTILIZED BUSINESS. A municipality, in making an  
18 expenditure of more than \$3,000 but less than \$100,000 [~~\$50,000~~],  
19 shall contact at least two historically underutilized businesses on  
20 a rotating basis, based on information provided by the comptroller  
21 pursuant to Chapter 2161, Government Code. If the list fails to  
22 identify a historically underutilized business in the county in  
23 which the municipality is situated, the municipality is exempt from  
24 this section.

25 SECTION 4. Section 262.003(a), Local Government Code, is  
26 amended to read as follows:

27 (a) Any law that requires a county to follow a competitive

1 procurement procedure in making a purchase requiring the  
2 expenditure of \$100,000 [~~\$50,000~~] or less does not apply to the  
3 purchase of an item available for purchase from only one supplier.

4 SECTION 5. Section 262.023(a), Local Government Code, is  
5 amended to read as follows:

6 (a) Before a county may purchase one or more items under a  
7 contract that will require an expenditure exceeding \$100,000  
8 [~~\$50,000~~], the commissioners court of the county must:

9 (1) comply with the competitive bidding or competitive  
10 proposal procedures prescribed by this subchapter;

11 (2) use the reverse auction procedure, as defined by  
12 Section 2155.062(d), Government Code, for purchasing; or

13 (3) comply with a method described by Chapter 2269,  
14 Government Code.

15 SECTION 6. Section 271.024, Local Government Code, is  
16 amended to read as follows:

17 Sec. 271.024. COMPETITIVE PROCUREMENT PROCEDURE APPLICABLE  
18 TO CONTRACT. If a governmental entity is required by statute to  
19 award a contract for the construction, repair, or renovation of a  
20 structure, road, highway, or other improvement or addition to real  
21 property on the basis of competitive bids, and if the contract  
22 requires the expenditure of more than \$100,000 [~~\$50,000~~] from the  
23 funds of the entity, the bidding on the contract must be  
24 accomplished in the manner provided by this subchapter.

25 SECTION 7. Section 271.054, Local Government Code, is  
26 amended to read as follows:

27 Sec. 271.054. COMPETITIVE PROCUREMENT REQUIREMENT. Before

1 the governing body of an issuer may enter into a contract requiring  
2 an expenditure by or imposing an obligation or liability on the  
3 issuer, or on a subdivision of the issuer if the issuer is a county,  
4 of more than \$100,000 [~~\$50,000~~], the governing body must:

5 (1) submit the proposed contract to competitive  
6 procurement; or

7 (2) use an alternate method of project delivery  
8 authorized by Chapter 2269, Government Code.

9 SECTION 8. Sections 252.312(b) and (c), Transportation  
10 Code, are amended to read as follows:

11 (b) If the county road engineer so recommends and the  
12 commissioners court considers it to be in the best interest of the  
13 county, a purchase in an amount of \$100,000 [~~\$50,000~~] or less may be  
14 made through negotiation by the commissioners court or the court's  
15 authorized representative on requisition to be approved by the  
16 commissioners court or the county auditor without advertising for  
17 competitive bids.

18 (c) A purchase may not be divided or reduced to avoid the  
19 competitive bidding requirement on a purchase that would otherwise  
20 cost more than \$100,000 [~~\$50,000~~].

21 SECTION 9. The changes in law made by this Act apply only to  
22 a purchase made on or after the effective date of this Act. A  
23 purchase made before the effective date of this Act is governed by  
24 the law as it existed immediately before the effective date of this  
25 Act, and that law is continued in effect for that purpose.

26 SECTION 10. This Act takes effect September 1, 2023.