

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Holland

H.B. No. 2777

A BILL TO BE ENTITLED

AN ACT

relating to the contracting authority of the Parks and Wildlife Department.

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

SECTION 1. Section 11.0171, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) If the executive director or the executive director's designee does not receive any responsive bids on a competitive solicitation for goods or services, the executive director or the executive director's designee after making a written determination that competition is not available may negotiate with and award the contract to any qualified vendor who meets the requirements of the original solicitation.

SECTION 2. Section 11.0171(c), Parks and Wildlife Code, as added by this Act, applies only to a contract for which bids are first solicited on or after the effective date of this Act. A contract for which bids are first solicited before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this

H.B. No. 2777

1 Act takes effect September 1, 2023.

ADOPTED

MAY 12 2023

*Latey Spaw*  
Secretary of the Senate

By: Holland/LaMartha

H.B. No. 2777

Substitute the following for \_\_\_\_B. No. \_\_\_\_:

By: Kelly Harman

C.S. ~~H~~.B. No. 2777

A BILL TO BE ENTITLED

AN ACT

relating to the contracting authority of the Parks and Wildlife Department.

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

SECTION 1. Section 11.0171, Parks and Wildlife Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The executive director may negotiate with and award a contract for goods or services to any qualified vendor if the executive director:

(1) solicits bids for the goods or services through a competitive process in compliance with all applicable laws, including Chapters 2155, 2254, and 2269, Government Code, that fails to result in competitive responsive bids;

(2) makes a written determination that resoliciting bids for the goods or services would:

(A) be unlikely to result in responsive bids;

(B) increase costs to the department; or

(C) delay the ability of the department to address a critical need; and

(3) determines that the vendor meets the requirements of the original solicitation.

(d) To the extent practicable, the executive director may combine the procurement of multiple goods or services into a single competitively bid contract to enhance the contract's attraction for

1 potential vendors.

2         SECTION 2. Section 11.0171(c), Parks and Wildlife Code, as  
3 added by this Act, applies only to a contract for which bids are  
4 first solicited on or after the effective date of this Act. A  
5 contract for which bids are first solicited before the effective  
6 date of this Act is governed by the law as it existed immediately  
7 before the effective date of this Act, and that law is continued in  
8 effect for that purpose.

9         SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2023.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 12, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2777** by Holland (Relating to the contracting authority of the Parks and Wildlife Department.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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Based upon information provided by the Parks and Wildlife Department, it is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JMc, SD, SZ, EJ, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 9, 2023**

**TO:** Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2777** by Holland (relating to the contracting authority of the Parks and Wildlife Department.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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Based upon information provided by the Parks and Wildlife Department, it is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JMc, SZ, EJ, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 3, 2023**

**TO:** Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2777** by Holland (Relating to the contracting authority of the Parks and Wildlife Department.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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Based upon information provided by the Parks and Wildlife Department, it is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JMc, SZ, MW, EJ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**March 29, 2023**

**TO:** Honorable Trent Ashby, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2777** by Holland (Relating to the contracting authority of the Parks and Wildlife Department.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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Based upon information provided by the Parks and Wildlife Department, it is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JMc, SZ, MW, EJ