

AN ACT

relating to municipal contracts regarding public improvements and purchasing.

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

SECTION 1. Section 212.072, Local Government Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) The contract:

(1) must establish the limit of participation by the municipality at a level not to exceed 30 percent of the total contract price, if the municipality has a population of less than 1.8 million; or

(2) may allow participation by a municipality at a level not to exceed 70 percent of the total contract price, if the municipality has a population of 1.8 million or more.

(c) In addition, the contract may also allow participation by the municipality at a level not to exceed 100 percent of the total cost for any oversizing of improvements required by the municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area.

(d) The municipality is liable only for the agreed payment of its share of the contract, which shall be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by municipal ordinance.

1 SECTION 2. Section 252.043(b), Local Government Code, is
2 amended to read as follows:

3 (b) In determining the best value for the municipality, the
4 municipality may consider:

5 (1) the purchase price;

6 (2) the reputation of the bidder and of the bidder's
7 goods or services;

8 (3) the quality of the bidder's goods or services;

9 (4) the extent to which the goods or services meet the
10 municipality's needs;

11 (5) the bidder's past relationship with the
12 municipality;

13 (6) the impact on the ability of the municipality to
14 comply with laws, ~~and~~ rules, and programs relating to contracting
15 with historically underutilized businesses, minority-owned and
16 women-owned businesses, and nonprofit organizations employing
17 persons with disabilities;

18 (7) the total long-term cost to the municipality to
19 acquire the bidder's goods or services; and

20 (8) any relevant criteria specifically listed in the
21 request for bids or proposals.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 2295 was passed by the House on April 25, 2003, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2295 on May 26, 2003, by the following vote: Yeas 138, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2295 was passed by the Senate, with amendments, on May 23, 2003, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor