

1-1 By: Rodriguez S.B. No. 408
1-2 (In the Senate - Filed January 29, 2015; February 4, 2015,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 11, 2015, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; March 11, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to consideration of a bidder's principal place of business
1-18 in awarding certain county contracts.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. The heading to Section 271.9051, Local
1-21 Government Code, is amended to read as follows:

1-22 Sec. 271.9051. CONSIDERATION OF LOCATION OF BIDDER'S
1-23 PRINCIPAL PLACE OF BUSINESS IN CERTAIN MUNICIPALITIES AND COUNTIES.

1-24 SECTION 2. Sections 271.9051(a), (b), and (c), Local
1-25 Government Code, are amended to read as follows:

1-26 (a) This section applies only to a municipality or county
1-27 that is authorized under this title to purchase real property or
1-28 personal property that is not affixed to real property.

1-29 (b) In purchasing under this title any real property,
1-30 personal property that is not affixed to real property, or
1-31 services, if a municipality or county receives one or more
1-32 competitive sealed bids from a bidder whose principal place of
1-33 business is in the municipality or county and whose bid is within
1-34 five percent of the lowest bid price received by the municipality or
1-35 county from a bidder who is not a resident of the municipality or
1-36 county, the municipality or county may enter into a contract for
1-37 construction services in an amount of less than \$100,000 or a
1-38 contract for other purchases in an amount of less than \$500,000
1-39 with:

1-40 (1) the lowest bidder; or

1-41 (2) the bidder whose principal place of business is in
1-42 the municipality or county if the governing body of the
1-43 municipality or county determines, in writing, that the local
1-44 bidder offers the municipality or county the best combination of
1-45 contract price and additional economic development opportunities
1-46 for the municipality or county created by the contract award,
1-47 including the employment of residents of the municipality or county
1-48 and increased tax revenues to the municipality or county.

1-49 (c) This section does not prohibit a municipality or county
1-50 from rejecting all bids.

1-51 SECTION 3. The change in law made by this Act applies only
1-52 to a contract for which the initial notice soliciting bids is given
1-53 on or after the effective date of this Act. A contract for which the
1-54 initial notice soliciting bids is given before the effective date
1-55 of this Act is governed by the law in effect when the initial notice
1-56 is given, and the former law is continued in effect for that
1-57 purpose.

1-58 SECTION 4. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2015.

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