

1-1 By: Nelson S.B. No. 1179
 1-2 (In the Senate - Filed March 1, 2017; March 9, 2017, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 6, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1179 By: Hall

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to purchasing and contracting practices of coordinated
 1-22 county transportation authorities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 460.406(c), Transportation Code, is
 1-25 amended to read as follows:

1-26 (c) The board of directors may authorize the negotiation of
 1-27 a contract without competitive sealed bids or proposals if:

1-28 (1) the aggregate amount involved in the contract is
 1-29 less than the greater of:

1-30 (A) \$50,000; or

1-31 (B) the amount of an expenditure under a contract
 1-32 that would require a municipality to comply with Section
 1-33 252.021(a), Local Government Code;

1-34 (2) the contract is for construction for which not
 1-35 more than one bid or proposal is received;

1-36 (3) the contract is for services or property for which
 1-37 there is only one source or for which it is otherwise impracticable
 1-38 to obtain competition, including:

1-39 (A) items that are available from only one source
 1-40 because of patents, copyrights, secret processes, or natural
 1-41 monopolies;

1-42 (B) gas, water, and other utility services; and

1-43 (C) captive replacement parts or components for
 1-44 equipment;

1-45 (4) the contract is to respond to an emergency for
 1-46 which the public exigency does not permit the delay incident to the
 1-47 competitive process;

1-48 (5) the contract is for personal, ~~or~~ professional,
 1-49 or planning services [or services for which competitive bidding is
 1-50 precluded by law];

1-51 (6) the contract, without regard to form and which may
 1-52 include bonds, notes, loan agreements, or other obligations, is for
 1-53 the purpose of borrowing money or is a part of a transaction
 1-54 relating to the borrowing of money, including:

1-55 (A) a credit support agreement, such as a line or
 1-56 letter of credit or other debt guaranty;

1-57 (B) a bond, note, debt sale or purchase, trustee,
 1-58 paying agent, remarketing agent, indexing agent, or similar
 1-59 agreement;

1-60 (C) an agreement with a securities dealer,

2-1 broker, or underwriter; and
2-2 (D) any other contract or agreement considered by
2-3 the board of directors to be appropriate or necessary in support of
2-4 the authority's financing activities;
2-5 (7) the contract is for work that is performed and paid
2-6 for by the day as the work progresses;
2-7 (8) the contract is for the lease or purchase of an
2-8 interest in land;
2-9 (9) the contract is for the purchase of personal
2-10 property sold:
2-11 (A) at an auction by a state licensed auctioneer;
2-12 (B) at a going out of business sale held in
2-13 compliance with Subchapter F, Chapter 17, Business & Commerce Code;
2-14 or
2-15 (C) by a political subdivision of this state, a
2-16 state agency, or an entity of the federal government;
2-17 (10) the contract is for services performed by persons
2-18 who are blind or have severe disabilities;
2-19 (11) the contract is for the purchase of electricity;
2-20 (12) the contract is one for an authority project and
2-21 awarded for alternate project delivery using the procedures,
2-22 requirements, and limitations under Subchapters E, F, G, H, and I,
2-23 Chapter 2269, Government Code; or
2-24 (13) the contract is for fare enforcement officer
2-25 services under Section 460.1092.
2-26 SECTION 2. (a) The changes in law made by this Act apply
2-27 only to a contract or construction project for which a governing
2-28 body of a coordinated county transportation authority created under
2-29 Chapter 460, Transportation Code, first advertises or otherwise
2-30 requests bids, proposals, offers, or qualifications, or makes a
2-31 similar solicitation, on or after the effective date of this Act.
2-32 (b) A contract or construction project for which a governing
2-33 body of a coordinated county transportation authority created under
2-34 Chapter 460, Transportation Code, first advertises or otherwise
2-35 requests bids, proposals, offers, or qualifications, or makes a
2-36 similar solicitation, before the effective date of this Act is
2-37 governed by the law as it existed immediately before the effective
2-38 date of this Act, and that law is continued in effect for that
2-39 purpose.
2-40 SECTION 3. This Act takes effect immediately if it receives
2-41 a vote of two-thirds of all the members elected to each house, as
2-42 provided by Section 39, Article III, Texas Constitution. If this
2-43 Act does not receive the vote necessary for immediate effect, this
2-44 Act takes effect September 1, 2017.

2-45 * * * * *