

## **BILL ANALYSIS**

Senate Research Center  
76R8144 DRH-F

H.B. 2149  
By: Bosse (Bernsen)  
Infrastructure  
5/10/1999  
Engrossed

### **DIGEST**

The Texas Transportation Commission (TTC) allows bids for state highway improvement contracts less than \$300,000 to be filed with the district engineer, which TTC may then award to the lowest bidder, under Section 223.005, Transportation Code. Additionally, language dealing with the exception to the public bid opening requirement for electronically opened bids needs clarification that it applies to local bid openings. H.B. 2149 would clarify that contracts over \$300,000 may be awarded to the lowest bidder by TTC, and would allow electronic bidding on local bid openings.

### **PURPOSE**

As proposed, H.B. 2149 clarifies language regarding awarding state highway improvement contracts.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 223A, Transportation Code, by adding Section 223.0041, as follows:

Sec. 223.0041. AWARD OF CONTRACT. Requires all bids received and not rejected by the Texas Department of Transportation to be tabulated and forwarded to the Texas Transportation Commission (TTC), except as provided by Section 223.005. Authorizes TTC to accept or reject the bids. Requires TTC to award the contract to the lowest bidder, subject to Section 223.045, if the bids are accepted.

SECTION 2. Amends Sections 223.005(b)-(d), Transportation Code, as follows:

- (b) Deletes text regarding the tabulation of bids.
- (c) Deletes existing subsection requiring TTC to award the contract to the lowest bidder.
- (d) Redesignated as Subsection (b).

SECTION 3. Amends Section 223.013(c), Transportation Code, to provide that a provision of this subchapter that requires a bid to be opened at a public hearing does not apply to an electronically submitted bid. Deletes text regarding Section 223.004(a) and a hearing of the commission.

SECTION 4. Emergency clause.  
Effective date: upon passage.