

CHAPTER 535

H.B. No. 916

An Act relating to competitive bidding on public works contracts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 4, Chapter 770, Acts of the 66th Legislature, 1979 (Article 2368a.3, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. OPENING OF BIDS. Bids may be opened only by the governing body at a public meeting or by an officer or employee of the governmental entity at or in an office of the governmental entity. *A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. Nothing herein shall alter, amend, or revoke the common law right of a bidder to withdraw a bid due to material mistake in the bid.*

SECTION 2. Section 5, Chapter 770, Acts of the 66th Legislature, 1979 (Article 2368a.3, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5. AWARD OF BID. A governmental entity shall have the right to reject any and all bids. Contracts covered by this Act shall be awarded to the lowest, responsible bidder, but a contract may not be awarded to a bidder who is not the lowest bidder unless prior to the award each lower bidder is given notice of the proposed award and is given an opportunity to appear before the governing body of the governmental entity or the designated representative of the governing body and present evidence concerning the bidder's responsibility.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 1, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 916 on May 26, 1985, by a non-record vote; passed by the Senate, with amendments, on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 12, 1985

Effective: August 26, 1985