

CHAPTER 614

S.B. No. 270

An Act relating to an exemption of certain city purchases and of payments by the state or its political subdivisions from competitive bidding and other requirements; amending Sections 1 and 2, Chapter 518, Acts of the 68th Legislature, Regular Session, 1983 (Article 2368a.4, Vernon's Texas Civil Statutes), and Subsection (a), Section 7, House Bill 275, 69th Legislature, Regular Session, 1985.

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

SECTION 1. Sections 1 and 2, Chapter 518, Acts of the 68th Legislature, Regular Session, 1983 (Article 2368a.4, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. (a) If a law requires a county to follow a competitive bidding procedure for certain purchases requiring the expenditure of \$5,000 or less, the law does not apply to a purchase that is for items that are available for purchase from only one supplier.

"(b) [~~Section 2.~~] If a county makes a purchase covered by Subsection (a) [~~Section 1.~~] of this section [~~Act~~], the county auditor or other appropriate county officer or employee may not refuse payment for the purchase because a competitive bidding procedure was not followed.

"Section 2. *The competitive bidding requirements imposed by law do not apply to a purchase of any of the following items by a city for use in its public library:*

"(1) *copyrighted materials available for purchase from only one supplier;*

"(2) *books, papers, and other library materials that are available for purchase from only the persons holding the exclusive distribution rights for the materials; or*

"(3) *rare books, papers, and other library materials; or*

"(4) *other library materials that are available for purchase from only one supplier.*"

SECTION 2. H.B. 275, as enacted by the 69th Legislature, is amended by amending Subsection (a) of Section 7 to read as follows:

"(a) This Act does not apply to payments made by a governmental entity or a vendor in the event:

"(1) *the terms of a contract specify other times and methods of payment or methods of resolving disputes or interest owed on delinquent payments; or*

"(2) *there is a bona fide dispute between a vendor and a subcontractor or between a subcontractor and its supplier concerning the supplies, materials, or equipment delivered or the services performed which causes the payment to be late; or*

"(3) *the terms of a federal contract, grant, regulation, or statute prevent the governmental entity from making a timely payment with federal funds; or*

"(4) *the invoice is not mailed to the addressee in strict accordance with instructions, if any, on the purchase order covering said payment.*"

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.

Passed the Senate on February 12, 1985, by a viva-voce vote; Senate concurred in House amendment on May 25, 1985, by a viva-voce vote; passed the House, with amendment, on May 21, 1985, by a non-record vote.

Approved: June 14, 1985

Effective: August 26, 1985