

## CHAPTER 806

## S.B. No. 549

An Act relating to bidding for the purchase of equipment, materials, and supplies for the county and its officers, departments, or institutions in certain counties; amending Section 3.211, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes), and Articles 1659 and 1659b, Revised Statutes.

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

**SECTION 1.** Section 3.211, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3.211. **COMPETITIVE BIDDING.** All equipment, materials, and supplies for the construction and maintenance of county roads and for the county road department shall be purchased by the commissioners court on competitive bids in conformity with estimates and specifications prepared by the county road engineer. However, on recommendation of the county road engineer and when in the judgment of the commissioners court it is considered in the best interest of the county, purchases in an amount not to exceed \$5,000 [~~\$1,000~~] may be made through negotiation by the commissioners court or the commissioners court's authorized representative on requisition to be approved by the commissioners court or the county auditor without advertising for competitive bids. Before any claim covering the purchase of the equipment, materials, and supplies and for any services contracted for by the commissioners court may be ordered paid by the commissioners court, the county road engineer must certify in writing the correctness of the claim and must certify that the respective equipment, materials, and supplies covered by the claim conform to specifications approved by him, that the equipment, materials, and supplies were delivered in good condition, and that any road department services contracted for by the commissioners court have been satisfactorily performed. This section does not permit the division or reduction of purchases for the purpose of avoiding the requirement of taking formal bids on purchases that would otherwise exceed \$5,000 [~~\$1,000~~]."

**SECTION 2.** Articles 1659 and 1659b, Revised Statutes, are amended to read as follows:

"Article 1659. **BIDS FOR MATERIAL.** Supplies of every kind, road and bridge material, or any other material, for the use of said county, or any of its officers, departments, or institutions must be purchased on competitive bids, the contract to be awarded to the party who, in the judgment of the commissioners court, has submitted the lowest and best bid. The county auditor shall advertise the bidding at least once a week for two consecutive weeks in at least one newspaper published and circulated in the county. The advertisements shall state where the specifications are to be found, and shall give the time and place for receiving the bids. Publication of the first advertisement shall precede the last day for receiving bids by at least 14 days. All such competitive bids shall be kept on file by the county auditor as a part of the records of his office, and shall be subject to inspection by any one desiring to see them. Copies of all bids received shall be furnished by the county auditor to the county judge and to the commissioners court; and when the bids received are not satisfactory to the said judge or county commissioners, the auditor shall reject said bids and readvertise for new bids. In cases of emergency, purchases not in excess of \$5,000 [~~\$1,000~~] may be made upon requisition to be approved by the commissioners court without advertising for competitive bids."

"Article 1659b. In all counties having a population of not less than 800,000 nor more than 900,000, according to the last preceding federal census, and having an assessed valuation of \$800,000,000 or more, supplies of every kind, road and bridge material, or any other material, for the use of said county, or any of its officers, departments, or institutions must be purchased on competitive bids, the contract to be awarded to the party who, in the judgment of the commissioners court, has submitted the lowest and best bid. Where the total expenditure for any such purchase or any such contract shall exceed \$5,000 [~~\$1,000~~], advertisements forbids for such supplies and material, according to purchasing specifications giving in detail what is needed, shall be made by the purchasing agent, if the county has no purchasing agent then by the county auditor, once each week for two successive weeks in a daily newspaper published and circulated in the county. Such advertisements shall state where the specifications are to be

found, and shall give the time and place for receiving such bids. Where the amount to be expended shall be \$5,000 [~~\$1,000~~], or less, it shall not be necessary to advertise for bids, but sealed bids shall be asked from as many as three persons, firms, or corporations, or as many more as shall offer to bid, based on written specifications filed with the purchasing agent or auditor as the case may be, at least 48 hours before the time of opening said sealed bids. All such competitive bids shall be kept on file by the purchasing agent or auditor, as the case may be, as a part of the records of his office, and shall be subject to inspection by anyone desiring to see them. Copies of all bids received shall be furnished by the purchasing agent or auditor to the commissioners court; and when the bids received are not satisfactory to the commissioners court, the purchasing agent or auditor shall reject said bids and readvertise for new bids, where the amount to be expended exceeds \$5,000 [~~\$1,000~~], or ask for new bids, where the amount to be expended shall be \$5,000 [~~\$1,000~~] or less. In cases of emergency, purchases or contracts not in excess of \$5,000 [~~\$1,000~~] may be made upon requisition to be approved by the commissioners court, without advertising for competitive bids or asking for competitive bids.”

**SECTION 3.** (a) Section 1 of this Act takes effect September 1, 1985, and applies only to purchases of equipment, materials, and supplies requested by the county road engineer on or after that date. Purchases requested before the effective date of this Act are covered by the law in effect on the date the request was made, and the former law is continued in effect for that purpose.

(b) The amendment by this Act of Articles 1659 and 1659b, Revised Statutes, does not apply to a purchase covered by those articles made before the effective date of this Act. Such a purchase is covered by the law as it existed on the date the purchase was made, and the former law is continued in effect for this purpose.

**SECTION 4.** 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 March 18, 1985, by a viva-voce vote; April 16, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; April 25, 1985, House granted request of the Senate; May 24, 1985, Senate adopted Conference Committee Report by a viva-voce vote; passed the House, with amendments, on April 10, 1985, by a non-record vote; April 25, 1985, House granted request of the Senate for appointment of Conference Committee; May 21, 1985, House adopted Conference Committee Report by a non-record vote.

Filed: June 15, 1985, without signature.

Effective: September 1, 1985