

CHAPTER 820

H.B. No. 2098

AN ACT

relating to the requirements governing awarding of contracts by cities.

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

SECTION 1. Subsections (a) and (c), Section 2, Bond and Warrant Law of 1931 (Article 2368a, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Except in the case of exempted procurements, no city with a population of 50,000 or more shall make a contract requiring an expenditure or payment in amount exceeding \$10,000, out of any fund or funds of any city creating or imposing an obligation or liability of any nature or character upon such city, without first submitting such proposed contract to competitive sealed bidding or competitive sealed proposals as provided in this section. Except in the case of exempted procurements, no city with a population of less than 50,000 shall make a contract requiring expenditure or payment in an amount exceeding ~~\$5,000~~ [5,000] without first submitting such proposed contract to competitive sealed bidding or competitive sealed proposals as provided in this section.

(c) The competitive sealed proposal procedure as provided in this subsection may be used by cities [~~with a population of 50,000 or more~~] for high technology procurements. Quotations shall be solicited through a request for proposals. Public notice for the request for proposals shall be made in the same manner as provided in Subsection (b) of this section for competitive sealed bidding. The request for proposals shall specify the relative importance of price and other evaluation factors, and the award of contract shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the city taking into consideration the relative importance of price and other evaluation factors set forth in the request for proposals.

Where provided in the request for proposals, proposals shall be opened so as to avoid disclosure of contents to competing offerors and kept secret during the process of negotiation. Provided, however, all proposals that have been submitted shall be open for public inspection after contract award. Trade secrets and confidential information contained in the proposals shall not be open for public inspection.

As provided in the request for proposals and under regulations promulgated by the governing body, discussions may be conducted with offerors who submit proposals determined to be reasonably qualified for selection for award. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.

SECTION 2. 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 by the House on May 15, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2098 on June 1, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2098 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2098 on June 1, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.