

- SUBJECT:** Requiring TxDOT to issue bids for traffic safety and control systems
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 11 ayes — Canales, Landgraf, Bernal, Goldman, Hefner, Krause, Leman, Ortega, Raney, Thierry, E. Thompson
- 0 nays
- 2 absent — Y. Davis, Martinez
- SENATE VOTE:** On final passage, April 11 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** *On House companion bill, HB 2833:*
For — (*Registered, but did not testify:* Steven Albright, AGC of Texas-Highway Heavy Branch; Michael Pacheco, Texas Farm Bureau)
- Against — None
- On — (*Registered, but did not testify:* Rich McMonagle, Texas Department of Transportation)
- BACKGROUND:** Transportation Code sec. 223.001 requires the Texas Department of Transportation (TxDOT) to use competitive bids for contracts for materials, improvements, and maintenance of state highways.
- 34 TAC ch. 20 establishes the comptroller's statewide procurement support services. One of these services is the Electric State Business Daily, also known as Texas SmartBuy. Government Code ch. 2155 requires state agencies to use Texas SmartBuy for requests for proposal for certain products and services with a value of more than \$25,000, which the comptroller pools into a single, larger contract.
- DIGEST:** SB 1092 would require TxDOT to use competitive bids for contracts for traffic control and safety devices used on state highways.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS
SAY:**

SB 1092 would make Texas Department of Transportation (TxDOT) operations more efficient by moving contracting for traffic control and safety systems from Texas SmartBuy to TxDOT. Texas SmartBuy levies a 1.5 percent fee and has contracting requirements that can delay and increases the costs of projects.

Even without TxDOT's involvement, SmartBuy would still be one of the largest buyers of traffic safety and control systems in the country and would still be able to get fair prices.

**OPPONENTS
SAY:**

SB 1092 could hurt the users of Texas SmartBuy, which is able to negotiate for fair prices by leveraging the combined buying power of the state and local governments purchasing traffic safety and control systems to achieve the best possible contracts. TxDOT purchasing these systems on its own could weaken that buying power.