

BILL ANALYSIS

Senate Research Center
86R5807 AAF-F

S.B. 1092
By: Nichols
Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The procurement of certain TxDOT commodity items through the comptroller of public accounts of the State of Texas (comptroller) is neither efficient nor economical, resulting in additional costs and costly delays due to the Comptroller attempting to remove TxDOT-specific requirements from the specifications. Additionally, the 1.5 percent fee that is part of the comptroller's Texas Smart Buy system adds additional cost to these commodity products that the vendors pass on to TxDOT.

S.B. 1092 amends Section 223.001, Texas Transportation Code, placing the procurement of TxDOT specific commodity materials; materials to be used in the construction or maintenance of a highway that is part of the state highway system or traffic control or safety devices to be used on a highway that is part of the state highway system; requiring these commodity items to be purchased under the competitive low bid process used for highway construction projects.

As proposed, S.B. 1092 amends current law relating to certain contracts requiring competitive bidding by the Texas Department of Transportation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 223.001, Transportation Code, as follows:

Sec. 223.001. CONTRACT REQUIRED COMPETITIVE BIDS. (a) Creates this subdivision from existing text. Provides that this section applies only to a highway that is part of the state highway system.

(b) Requires the Texas Department of Transportation to submit for competitive bids each contract for:

- (1) the improvement of a highway, rather than the improvement of a highway that is part of the state highway system;
- (2) makes nonsubstantive changes to this subdivision; or
- (3) traffic control or safety devices to be used on a highway.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2019.