

## **BILL ANALYSIS**

Senate Research Center  
87R7426 SCL-F

H.B. 362  
By: Sherman, Sr. (West)  
Local Government  
4/19/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of H.B. 362 is to allow counties to align with current municipal practices throughout the state, modernizing and streamlining competitive submission requirements by amending Section 262.0225 of the Local Government Code to allow a commissioners court, by court order, to require electronic submissions of bids and proposals.

Current Local Government Code, Section 262.0225, requires the acceptance of hard-copy bids and proposals, while permitting their electronic submission. If a county currently allows submission of bids and proposals in both formats, this forces county staff to either convert the hard copies to an electronic format or vice versa, virtually defeating the purpose of the electronic option.

H.B. 362 will address the issues and the obstacles that transpire when bids are submitted by hard-copy such as: integrity of a submission being compromised during transfer, a lengthier and more complicated submission process overall, and submissions being thrown out, misplaced, delayed, or delivered to the wrong office. Lastly, COVID-19 has further exacerbated these issues and highlighted the need for local government operations to be adaptable and resilient. Being able to adopt electronic submission requirements is necessary for ensuring continuity of operations and competitive free markets in any environment.

H.B. 362 amends current law relating to the authority of a county to require electronic bids or proposals for competitive bidding.

### **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 262.0225, Local Government Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Creates an exception under Subsection (c-1) to the requirement that a county accept any bids or proposals submitted in hard-copy format. Makes a nonsubstantive change.

(c-1) Authorizes the commissioners court of a county to by order require submission of bids or proposals under Subchapter C (Competitive Bidding in General) through electronic transmission if the county makes available all technology necessary to submit a bid or proposal through electronic transmission to any person who submits a hard-copy bid or proposal in person.

SECTION 2. Effective date: upon passage or September 1, 2021.