

H.B. 1694) provides: only to purchases made on or after September 1, 2011. A purchase made or a bid deadline that occurs before September 1, 2011, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose."

and Bond Provisions of Purchase of Certificate of Earth-Moving, Construction or Equipment

purchase of earth-moving, construction or equipment, the costs of the repair, equipment.

require the bidder to contract for the repair to cover the repair.

purchase of personal property code or Section 262.026, under those sections to purchase or lease by the county.

§ 1, eff. Sept. 1, 2011, ch. 285 (H.B. 1694).

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for Certain Counties Governed by Those

the county or the authority created by the Constitution, if the commissioners court of the county, may require a bid conference for each prospective bidder. Except as provided by Subsection (e), the court shall: (1) award the contract to the responsible bidder who submits the lowest and best bid; or (2) reject all bids and publish a new notice. (b) If two responsible bidders submit the lowest and best bid, the commissioners court shall decide between the two by drawing lots in a manner prescribed by the county judge.

tion is not subject to the requirements of Section 262.025.

Added by Acts 2001, 77th Leg., ch. 255, § 1, eff. May 22, 2001. Amended by Acts 2003, 78th Leg., ch. 660, § 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 725, § 1, eff. Sept. 1, 2003; Acts 2011, 82nd Leg., ch. 285 (H.B. 1694), § 8, eff. Sept. 1, 2011.

Section 25 of Acts 2011, 82nd Leg., ch. 285 (H.B. 1694) provides: "The changes in law made by this Act apply only to purchases made or a bid deadline that occurs on or after September 1, 2011. A purchase made or a bid deadline that occurs before September 1, 2011, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose."

§ 262.026. Opening of Bids

(a) The county official who makes purchases for the county shall open the bids on the date specified in the notice. The date specified in the notice may be extended if the commissioners court determines that the extension is in the best interest of the county. All bids, including those received before an extension is made, must be opened at the same time. The commissioners court may adopt an order that delegates the authority to make extensions under this subsection to the county official who makes purchases for the county.

(b) Opened bids shall be kept on file and available for inspection by anyone desiring to see them until the first anniversary of the date of opening. Opened bids are subject to disclosure under Chapter 552, Government Code.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 505, § 3, eff. Sept. 1, 1999; Acts 2011, 82nd Leg., ch. 285 (H.B. 1694), § 9, eff. Sept. 1, 2011.

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§ 262.027. Awarding of Contract

(a) The officer in charge of opening the bids shall present them to the commissioners court in session. Except as provided by Subsection (e), the court shall:

- (1) award the contract to the responsible bidder who submits the lowest and best bid; or
(2) reject all bids and publish a new notice.

(b) If two responsible bidders submit the lowest and best bid, the commissioners court shall decide between the two by drawing lots in a manner prescribed by the county judge.

(c) A contract may not be awarded to a bidder who is not the lowest dollar bidder meeting specifications unless, before the award, each lower bidder is given:

- (1) notice of the proposed award; and
(2) an opportunity to appear before the commissioners court and present previously unconsidered evidence concerning the lower bid as best, which may include evidence of the bidder's responsibility.

(d) In determining the lowest and best bid for a contract for the purchase of earth-moving, material-handling, road maintenance, or construction equipment, the commissioners court may consider the information submitted under Section 262.0255.

(e) In determining the lowest and best bid for a contract for the purchase of road construction material, the commissioners court may consider the pickup and delivery locations of the bidders and the cost to the county of delivering or hauling the material to be purchased. The commissioners court may award contracts for the purchase of road construction material to more than one bidder if each of the selected bidders submits the lowest and best bid for a particular location or type of material.

(f) Notwithstanding any other requirement of this section, the commissioners court may condition acceptance of a bid on compliance with a requirement for attendance at a mandatory pre-bid conference under Section 262.0256.

(g) If after the award the successful bidder fails to qualify for required bonds, or is otherwise unable to meet the requirements of the award, the commissioners court may award the contract to the next bidder in order of ranking as lowest and best bid.

(h) Before a contract is awarded, a bidder must give written notice to the officer authorized to open bids that the bidder intends to protest an award of the contract under Subsection (c). This subsection does not limit the ability of a bidder to speak at a public meeting of the commissioners court under rules established by the court.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 416, § 2, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 127, § 1, eff. May 11, 1993; Acts 2001, 77th Leg., ch. 255, § 2, eff. May 22, 2001; Acts 2011, 82nd Leg., ch. 285 (H.B. 1694), § 10, eff. Sept. 1, 2011.

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