

By: Coleman

H.B. No. 3472

A BILL TO BE ENTITLED

AN ACT

relating to the authorization for a county to establish a wage higher than the state minimum wage for competitive procurement requirements in a specific contract.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 262.030, Local Government Code, is amended to read as follows:

Sec. 262.030. ALTERNATIVE COMPETITIVE PROPOSAL PROCEDURE FOR CERTAIN GOODS AND SERVICES. (a) Except for Subsection (d) and (f) of this section, the competitive proposal procedure provided by this section may be used for the purchase of insurance, high technology items, and the following special services:

- (1) landscape maintenance;
- (2) travel management; or
- (3) recycling.

(b) Quotations must be solicited through a request for proposals. Public notice for the request for proposals must be made in the same manner as provided in the competitive bidding procedure. The request for proposals must specify the relative importance of price and other evaluation factors. The award of the contract shall be made to the responsible offeror whose proposal is determined to be the lowest and best evaluated offer resulting from negotiation, taking into consideration the relative importance of price and other evaluation factors set forth in the request for

1 proposals.

2 (c) If provided in the request for proposals, proposals
3 shall be opened so as to avoid disclosure of contents to competing
4 offerors and kept secret during the process of negotiation. All
5 proposals that have been submitted shall be available and open for
6 public inspection after the contract is awarded, except for trade
7 secrets and confidential information contained in the proposals and
8 identified as such.

9 (d) A county in which a purchasing agent has been appointed
10 under Section 262.011 or employed under Section 262.0115 may use
11 the competitive proposal purchasing method authorized by this
12 section for the purchase of insurance or high technology items. In
13 addition, the method may be used to purchase other items when the
14 county official who makes purchases for the county determines, with
15 the consent of the commissioners court, that it is in the best
16 interest of the county to make a request for proposals.

17 (e) As provided in the request for proposals and under rules
18 adopted by the commissioners court, discussions may be conducted
19 with responsible offerors who submit proposals determined to be
20 reasonably susceptible of being selected for award. Offerors must
21 be accorded fair and equal treatment with respect to any
22 opportunity for discussion and revision of proposals, and revisions
23 may be permitted after submission and before award for the purpose
24 of obtaining best and final offers.

25 (f) The commissioners court of a county with a population of
26 2.2 million or more but less than 3.3 million may include wages paid
27 by an employer to each employee for services performed in the county

1 as a condition of a contract or agreement entered into between the
2 government entity and a private entity.

3 SECTION 2. Section 62.0515, Labor Code, is amended to read
4 as follows:

5 Sec. 62.0515. APPLICATION OF MINIMUM WAGE TO CERTAIN
6 GOVERNMENTAL ENTITIES; CERTAIN AGREEMENTS WITH GOVERNMENTAL
7 ENTITIES. (a) Except as otherwise provided by this section, the
8 minimum wage provided by this chapter supersedes a wage established
9 in an ordinance, order, or charter provision governing wages in
10 private employment, other than wages under a public contract.

11 (b) This section does not apply to any state or federal job
12 training or workforce development program.

13 (c) This section does not apply to a minimum wage
14 established by a governmental entity that applies to a contract or
15 agreement, including a non-annexation agreement, entered into by a
16 governmental entity and a private entity. A private entity that
17 enters into a contract or agreement, including a non-annexation
18 agreement, with a governmental entity, under the terms of which the
19 private entity agrees to comply with a minimum wage that is greater
20 than the minimum wage established by Section 62.051 [~~established by~~
21 ~~the governmental entity~~], is subject to the terms of that contract
22 or agreement, and those terms apply to and may be enforced against a
23 general contractor, subcontractor, developer, and other person
24 with which the private entity contracts in order to comply with the
25 provisions of the original contract or agreement.

26 (1) A county with a population of 2.2 million or more
27 but less than 3.3 million and any district or authority created

1 under Article XVI, Section 59, of the Texas Constitution of which
2 the governing body is the commissioners court, may require a wage
3 higher than the state minimum wage, to be paid by an employer to
4 each employee for services performed in the county as part of a
5 contract or agreement entered into between the government entity
6 and a private entity as authorized under Section 262.030 of the
7 Texas Local Government Code.

8 (d) For purposes of this section, "governmental entity"
9 includes a municipality, a county, a special district or authority,
10 a junior college district, or another political subdivision of this
11 state.

12 SECTION 3. This Act takes effect September 1, 2015.