



In Texas, the “lowest responsible bidder” refers to the vendor who submits the lowest price bid while also meeting all the necessary qualifications and requirements set out in the bid specifications. So not solely the cheapest price but also the bidder’s overall competency to complete the project.

Alternatively, the City may participate in Cooperative Purchasing Programs as set out in Chapter 271 of the Local Government Code. These programs include Buyboard, Houston Galveston Area Cooperative Purchasing Program and TexasSmartBuy. All permissible by both City Ordinance and State law and regularly used by the City. Cooperative purchasing programs help the City save money by leveraging the buying power of members to negotiate better prices and eliminates the need for bidding.

Separate state laws apply to seeking professional services as set out in the Professional Services Procurement Act in Chapter 2254 of the Texas Government Code. Professional services include a list of services which include accounting landscape architecture, land surveying professional engineering real estate appraising, certified public accountants, architects, land surveyors, legal services, and more. The city may not seek professional services by competitive bidding.

When selecting a vendor, the City’s process is to assemble a bid submittal review team if necessary (*only necessary when the City is not selecting the lowest responsible bidder*) to review bids received and to score the submittals based on the scoring criteria enumerated within the bid solicitation, or to apply the criteria for “best value” as set out above. (this was the method for the procurement of the city hall annex construction company). The City has a policy for creation of the review team and the scoring, however, scoring when considering vendors is dictated by the form of procurement.

**RECOMMENDATION:**

Staff recommends City Council provide input on any suggested procedural changes to the existing vendor selection process and possible modifications of City policies in place