

Section 2.28

Tie Bids

The following preferences are used in breaking tie proposals in accordance with current statutes. Texas Government Code §§ 2155.444, 2155.441, 2156.010. Priority is given in the sequence listed below. To claim a preference a respondent must mark the appropriate box on the solicitation document. If the appropriate box is not marked, a preference will not be granted unless other documents included in the response indicate a right to the preference.

For Goods:

- Goods produced or offered by a Texas Resident Bidder owned by a Service-Disabled Veteran
- Goods produced or offered by a Texas Resident Bidder
- Agricultural Products grown in Texas
- Agricultural products offered by a Texas Resident Bidder
- Goods, including agricultural products, produced or grown in the United States

For Services:

- Services offered by a Texas Resident Bidder owned by a Service-Disabled Veteran
- Services offered by a Texas Resident Bidder

For Goods and Services:

If two respondents propose the same price and preferences, the line item is awarded by tossing a coin or drawing names. Either of these processes requires that two personnel, preferably outside of the purchasing office, perform the action(s). If two respondents propose the same price but the preferences checked are different, the award is based on the priority listed above.

Examples:

Product	Bidder A	Bidder B
Texas Agricultural Product		
Texas. Product	X	
Texas Resident Bidder		
U. S. Product		X

Award is made to Bidder A. Priority is given to the Texas Produced Product over the U. S. Produced Product.

Product	Bidder A	Bidder B
Texas Agricultural Product	X	X
Texas. Product	X	X
Texas Resident Bidder		X
U. S. Product		

Award is made to Bidder B. Since both bidders show preference to Texas Agricultural and Texas Products, priority is given to the Texas Bidder.

Product	Bidder A	Bidder B
Texas Agricultural Product		
Texas. Product		
Texas Resident Bidder	X	X
U. S. Product		

Award is made by drawing lots.