

Tie Bids

In breaking tie bids, the ordering entity must use the preference claimed by the bidder on the bidding documents/invitation for bids. In accordance with current statutes, **priority** is given in the following sequence:

1. Texas Agricultural Products
2. Texas Produced Supplies, Materials, or Equipment
3. Texas Resident Bidder and a Service-Disabled Veteran
4. U.S. Produced Supplies, Materials, or Equipment
5. Offered by a Historically Underutilized Business (HUB)

If two bidders bid the same bid price and preferences, the bid is awarded by **drawing lots** by tossing a coin or drawing names with two witnesses to oversee actual occurrence and initial bid tabulation. If two bidders bid the same bid price and the preferences checked are different, then the award is based on the priority listed above.

Examples:

Bidder	A / B
TX. Agricultural Product	
TX. Product	X
TX. Resident Bidder	
U. S. Product	X
Offered by HUB	

Offered by Service-Disabled Vet

Award is made to Bidder A, since priority is given to the Texas Produced Product over a U. S. Produced Product.

Bidder	A / B
TX. Agricultural Product	X X
TX. Product	X X
TX. 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 Resident Bidder over the Product offered by a HUB.

Bidder	A / B
TX. Agricultural Product	

TX. Product		
TX. Resident Bidder	X	X
U. S. Product		

Award is made by drawing lots.

Bidder	A	B
TX. Agricultural Product		
TX. Product	X	X
TX. Resident Bidder		
U. S. Product	X	X
Offered by HUB		X

Award is made to Bidder B, since both bidders show preference to Texas and U.S. Products, priority is given to the product offered by a HUB.

SECTION 2.39
 REVISED DATE: 06/98