

In LGC 252 on competitive bidding, we should be able to **utilize an exemption** based on the highlight information below.

Sec. 252.022. GENERAL EXEMPTIONS. (a) This chapter does not apply to an expenditure for:

- (1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;
- (2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;
- (3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- (4) a procurement for personal, professional, or planning services;
- (5) a procurement for work that is performed and paid for by the day as the work progresses;
- (6) a purchase of land or a right-of-way;
- (7) a procurement of items that are available from only one source, including:
 - (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - (B) films, manuscripts, or books;
 - (C) gas, water, and other utility services;
 - (D) captive replacement parts or components for equipment;
 - (E) books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - (F) management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;
- (8) a purchase of rare books, papers, and other library materials for a public library;
- (9) paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- (10) a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;

- (11) a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter [C](#), Chapter [212](#);
- (12) personal property sold:
- (A) at an auction by a state licensed auctioneer;
 - (B) at a going out of business sale held in compliance with Subchapter [E](#), Chapter [17](#), Business & Commerce Code;
 - (C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - (D) under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter [391](#);
- (13) services performed by blind or severely disabled persons;
- (14) goods purchased by a municipality for subsequent retail sale by the municipality;
- (15) electricity; or
- (16) advertising, other than legal notices.

~Gwynetheia