

# Texas Local Government Code 262.024 –

## Discretionary Exemptions

Current as of: 2018 | [Check for updates](#) | [Other versions](#)

- (a) A contract for the purchase of any of the following items is exempt from the requirement established by Section 262.023 if the commissioners court by order grants the exemption:
- (1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county;
  - (2) an item necessary to preserve or protect the public health or safety of the residents of the county;
  - (3) an item necessary because of unforeseen damage to public property;
  - (4) a personal or professional service;
  - (5) any individual work performed and paid for by the day, as the work progresses, provided that no individual is compensated under this subsection for more than 20 working days in any three month period;
  - (6) any land or right-of-way;
  - (7) an item that can be obtained from only one source, including:
    - (A) items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;
    - (B) films, manuscripts, or books;
    - (C) electric power, gas, water, and other utility services; and
    - (D) captive replacement parts or components for equipment;
  - (8) an item of food;
  - (9) 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 F, Chapter 17, Business & Commerce Code; or
    - (C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government;

(10) any work performed under a contract for community and economic development made by a county under Section 381.004; or

(11) vehicle and equipment repairs.

(b) The renewal or extension of a lease or of an equipment maintenance agreement is exempt from the requirement established by Section 262.023 if the commissioners court by order grants the exemption and if:

(1) the lease or agreement has gone through the competitive bidding procedure within the preceding year;

(2) the renewal or extension does not exceed one year; and

(3) the renewal or extension is the first renewal or extension of the lease or agreement.