

AN ACT

relating to the administration of the electronic state business daily.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 2155.083, Government Code, is amended to read as follows:

Sec. 2155.083. ELECTRONIC STATE BUSINESS DAILY; NOTICE REGARDING PROCUREMENTS EXCEEDING \$25,000.

SECTION 2. Sections 2155.083(c), (d), (e), (f), (g), and (k), Government Code, are amended to read as follows:

(c) The comptroller [~~each business day~~] shall operate the electronic state [produce and post a] business daily for state agencies and other eligible entities to advertise pre-solicitation notices, solicitations, and contract awards [in an electronic format. The comptroller shall post in the business daily information as prescribed by this section about each state agency procurement that will exceed \$25,000 in value. The comptroller shall also post in the business daily other information relating to the business activity of the state that the comptroller considers to be of interest to the public].

(d) The comptroller shall make the electronic state business daily available on the Internet. [~~Each state agency shall cooperate with the comptroller in making the electronic business daily available.~~]

1 (e) To accommodate businesses that do not have the technical
2 means to access the electronic state business daily, governmental
3 and nongovernmental entities such as public libraries, chambers of
4 commerce, trade associations, small business development centers,
5 economic development departments of local governments, and state
6 agencies may provide public access to the electronic state business
7 daily but may not charge a fee for providing access to the
8 electronic state business daily under this subsection. [A
9 ~~governmental entity may recover the direct cost of providing the~~
10 ~~public access only by charging a fee for downloading procurement~~
11 ~~notices and bid or proposal solicitation packages posted in the~~
12 ~~business daily. A nongovernmental entity may use information~~
13 ~~posted in the business daily in providing a service that is more~~
14 ~~than only the downloading of information from the business daily,~~
15 ~~including a service by which appropriate bidders or offerors are~~
16 ~~matched with information that is relevant to those bidders or~~
17 ~~offerors, and may charge a lawful fee that the entity considers~~
18 ~~appropriate for the service.]~~

19 (f) The comptroller and other state agencies may not charge
20 a fee designed to recover the cost of preparing and gathering the
21 information that is published in the electronic state business
22 daily. These costs are considered part of a procuring agency's
23 responsibility to publicly inform potential bidders or offerors of
24 its procurement opportunities.

25 (g) A state agency shall post in the electronic state
26 business daily either the entire bid or proposal solicitation
27 package or a notice that includes all information necessary to make

1 a successful bid, proposal, or other applicable expression of
2 interest for the procurement contract, including at a minimum the
3 following information for each procurement that the state agency
4 will make that is estimated to exceed \$25,000 in value:

5 (1) a brief description of the goods or services to be
6 procured and any applicable state product or service codes for the
7 goods and services;

8 (2) the last date on which bids, proposals, or other
9 applicable expressions of interest will be accepted;

10 (3) the estimated quantity of goods or services to be
11 procured;

12 (4) if applicable, the previous price paid by the
13 state agency for the same or similar goods or services;

14 (5) the estimated date on which the goods or services
15 to be procured will be needed; and

16 (6) the name, business mailing address, business
17 e-mail address, and business telephone number of the state agency
18 employee a person may contact to inquire about all necessary
19 information related to making a bid or proposal or other applicable
20 expression of interest for the procurement contract.

21 (k) Each state agency that will award a procurement contract
22 estimated to exceed \$25,000 in value shall post in the electronic
23 state business daily [~~send to the comptroller~~]:

24 (1) the information required by this section to be
25 posted [~~the comptroller requires for posting~~] in the electronic
26 state business daily [~~under this section~~]; and

27 (2) a notice when the procurement contract has been

1 awarded or when the state agency has decided to not make the
2 procurement.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 4012 was passed by the House on May 6, 2023, by the following vote: Yeas 127, Nays 7, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4012 was passed by the Senate on May 21, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor