

1-1 By: Kitzman (Senate Sponsor - Zaffirini) H.B. No. 4012
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 10, 2023, read first time and referred to Committee on Business
 1-4 & Commerce; May 17, 2023, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the administration of the electronic state business
 1-22 daily.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section [2155.083](#), Government
 1-25 Code, is amended to read as follows:

1-26 Sec. 2155.083. ELECTRONIC STATE BUSINESS DAILY; NOTICE
 1-27 REGARDING PROCUREMENTS EXCEEDING \$25,000.

1-28 SECTION 2. Sections [2155.083](#)(c), (d), (e), (f), (g), and
 1-29 (k), Government Code, are amended to read as follows:

1-30 (c) The comptroller [~~each business day~~] shall operate the
 1-31 electronic state [produce and post a] business daily for state
 1-32 agencies and other eligible entities to advertise pre-solicitation
 1-33 notices, solicitations, and contract awards [in an electronic
 1-34 format. The comptroller shall post in the business daily
 1-35 information as prescribed by this section about each state agency
 1-36 procurement that will exceed \$25,000 in value. The comptroller
 1-37 shall also post in the business daily other information relating to
 1-38 the business activity of the state that the comptroller considers
 1-39 to be of interest to the public].

1-40 (d) The comptroller shall make the electronic state
 1-41 business daily available on the Internet. [Each state agency shall
 1-42 cooperate with the comptroller in making the electronic business
 1-43 daily available.]

1-44 (e) To accommodate businesses that do not have the technical
 1-45 means to access the electronic state business daily, governmental
 1-46 and nongovernmental entities such as public libraries, chambers of
 1-47 commerce, trade associations, small business development centers,
 1-48 economic development departments of local governments, and state
 1-49 agencies may provide public access to the electronic state business
 1-50 daily but may not charge a fee for providing access to the
 1-51 electronic state business daily under this subsection. [A
 1-52 governmental entity may recover the direct cost of providing the
 1-53 public access only by charging a fee for downloading procurement
 1-54 notices and bid or proposal solicitation packages posted in the
 1-55 business daily. A nongovernmental entity may use information
 1-56 posted in the business daily in providing a service that is more
 1-57 than only the downloading of information from the business daily,
 1-58 including a service by which appropriate bidders or offerors are
 1-59 matched with information that is relevant to those bidders or
 1-60 offerors, and may charge a lawful fee that the entity considers
 1-61 appropriate for the service.]

2-1 (f) The comptroller and other state agencies may not charge
2-2 a fee designed to recover the cost of preparing and gathering the
2-3 information that is published in the electronic state business
2-4 daily. These costs are considered part of a procuring agency's
2-5 responsibility to publicly inform potential bidders or offerors of
2-6 its procurement opportunities.

2-7 (g) A state agency shall post in the electronic state
2-8 business daily either the entire bid or proposal solicitation
2-9 package or a notice that includes all information necessary to make
2-10 a successful bid, proposal, or other applicable expression of
2-11 interest for the procurement contract, including at a minimum the
2-12 following information for each procurement that the state agency
2-13 will make that is estimated to exceed \$25,000 in value:

2-14 (1) a brief description of the goods or services to be
2-15 procured and any applicable state product or service codes for the
2-16 goods and services;

2-17 (2) the last date on which bids, proposals, or other
2-18 applicable expressions of interest will be accepted;

2-19 (3) the estimated quantity of goods or services to be
2-20 procured;

2-21 (4) if applicable, the previous price paid by the
2-22 state agency for the same or similar goods or services;

2-23 (5) the estimated date on which the goods or services
2-24 to be procured will be needed; and

2-25 (6) the name, business mailing address, business
2-26 e-mail address, and business telephone number of the state agency
2-27 employee a person may contact to inquire about all necessary
2-28 information related to making a bid or proposal or other applicable
2-29 expression of interest for the procurement contract.

2-30 (k) Each state agency that will award a procurement contract
2-31 estimated to exceed \$25,000 in value shall post in the electronic
2-32 state business daily [~~send to the comptroller~~]:

2-33 (1) the information required by this section to be
2-34 posted [~~the comptroller requires for posting~~] in the electronic
2-35 state business daily [~~under this section~~]; and

2-36 (2) a notice when the procurement contract has been
2-37 awarded or when the state agency has decided to not make the
2-38 procurement.

2-39 SECTION 3. This Act takes effect immediately if it receives
2-40 a vote of two-thirds of all the members elected to each house, as
2-41 provided by Section 39, Article III, Texas Constitution. If this
2-42 Act does not receive the vote necessary for immediate effect, this
2-43 Act takes effect September 1, 2023.

2-44 * * * * *