

By: Dukes

H.B. No. 593

Substitute the following for H.B. No. 593:

By: Davis of Harris

C.S.H.B. No. 593

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain persons to contract with a state agency.

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

SECTION 1. Sections 2155.004(a), (c), and (e), Government Code, are amended to read as follows:

(a) A state agency may not accept a bid from a person or award to a person a contract that includes proposed financial participation by the ~~[a]~~ person if:

(1) the person participated [who—received compensation from the agency to participate] in preparing the bid specifications or request for proposals on which the bid or contract is based; and

(2) the bid specifications or request for proposals on which the bid or contract is based:

(A) requires a work plan, project design, or other criteria for participation in the contract that is specific to that person or likely to limit or exclude competitors who provide similar goods or services; or

(B) includes a scope of required goods or services that is so narrowly defined that it is specific to that person or likely to limit or exclude competitors who provide similar goods or services.

(c) If a state agency determines that an individual or

1 business entity holding a state contract was ineligible to have the
2 contract accepted or awarded under Subsection (a) or (e), the state
3 agency may immediately terminate the contract without further
4 obligation to the vendor.

5 (e) A state agency may not accept a bid from or award a
6 contract that is subject to this subtitle to an individual or
7 business entity that is barred from participating in state
8 contracts under Section 2155.077. [~~This section does not prohibit~~
9 ~~a bidder or contract participant from providing free technical~~
10 ~~assistance to a state agency.~~]

11 SECTION 2. The change in law made by this Act to Section
12 2155.004(a), Government Code, applies only in relation to a
13 contract for which the requests for bids or proposals or other
14 applicable expressions of interest are made public on or after the
15 effective date of this Act.

16 SECTION 3. This Act takes effect September 1, 2003.