

By: Harper-Brown

H.B. No. 2091

A BILL TO BE ENTITLED

1 AN ACT

2 relating to procurement rules, guidelines, and procedures for
3 regional transportation authorities.

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

5 SECTION 1. Section 452.106, Transportation Code, is amended
6 by amending Subsection (a) and adding Subsection (c) to read as
7 follows:

8 (a) The executive committee may adopt and enforce
9 procurement procedures, guidelines, and rules:

10 (1) defining the terms in and implementing Sections
11 452.107 and 452.108(a) and (b); or

12 (2) covering:

13 (A) the appointment of contracting officers;

14 (B) the solicitation for and award of contracts,
15 including the electronic transmission of bids and proposals and the
16 use of the reverse auction procedure, as defined by Section
17 2155.062, Government Code;

18 (C) the resolution of protests and contract
19 disputes;

20 (D) foreign currency transactions and
21 conversions and foreign exchange rate risk management; or

22 (E) other aspects of the procurement process for
23 domestic and international contracts.

24 (c) A procurement procedure, guideline, or rule covering

1 the electronic transmission of bids and proposals must provide:

2 (1) for the identification, security, and
3 confidentiality of an electronic bid or proposal;

4 (2) that an electronic bid or proposal is not required
5 to be sealed; and

6 (3) that an electronic bid or proposal remains
7 effectively unopened until the appropriate time.

8 SECTION 2. Section 452.107(a), Transportation Code, is
9 amended to read as follows:

10 (a) Except as provided by Subsection (c), an authority may
11 not award a contract for construction, services, or property, other
12 than real property, except through the solicitation of competitive
13 sealed bids or proposals, including the reverse auction procedure,
14 ensuring full and open competition.

15 SECTION 3. (a) The changes in law made by this Act to a
16 regional transportation authority's contract rules, guidelines,
17 and procedures apply only to a procurement for which the authority
18 first advertises or otherwise solicits bids or proposals on or
19 after September 1, 2003.

20 (b) A procurement for which the regional transportation
21 authority first advertised or otherwise solicited bids or proposals
22 before September 1, 2003, is governed by the law as it existed
23 immediately before the effective date of this Act, and that law is
24 continued in effect for that purpose.

25 SECTION 4. This Act takes effect September 1, 2003.