

1-1 By: Harper-Brown (Senate Sponsor - Deuell) H.B. No. 2091
1-2 (In the Senate - Received from the House April 14, 2003;
1-3 April 15, 2003, read first time and referred to Committee on
1-4 Infrastructure Development and Security; April 22, 2003,
1-5 rereferred to Committee on Administration; April 29, 2003,
1-6 reported favorably by the following vote: Yeas 7, Nays 0;
1-7 April 29, 2003, sent to printer.)

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to procurement rules, guidelines, and procedures for
1-11 regional transportation authorities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 452.106, Transportation Code, is amended
1-14 by amending Subsection (a) and adding Subsection (c) to read as
1-15 follows:

1-16 (a) The executive committee may adopt and enforce
1-17 procurement procedures, guidelines, and rules:

1-18 (1) defining the terms in and implementing Sections
1-19 452.107 and 452.108(a) and (b); or

1-20 (2) covering:

1-21 (A) the appointment of contracting officers;

1-22 (B) the solicitation for and award of contracts,
1-23 including the electronic transmission of bids and proposals and the
1-24 use of the reverse auction procedure, as defined by Section
1-25 2155.062, Government Code;

1-26 (C) the resolution of protests and contract
1-27 disputes;

1-28 (D) foreign currency transactions and
1-29 conversions and foreign exchange rate risk management; or

1-30 (E) other aspects of the procurement process for
1-31 domestic and international contracts.

1-32 (c) A procurement procedure, guideline, or rule covering
1-33 the electronic transmission of bids and proposals must provide:

1-34 (1) for the identification, security, and
1-35 confidentiality of an electronic bid or proposal;

1-36 (2) that an electronic bid or proposal is not required
1-37 to be sealed; and

1-38 (3) that an electronic bid or proposal remains
1-39 effectively unopened until the appropriate time.

1-40 SECTION 2. Section 452.107(a), Transportation Code, is
1-41 amended to read as follows:

1-42 (a) Except as provided by Subsection (c), an authority may
1-43 not award a contract for construction, services, or property, other
1-44 than real property, except through the solicitation of competitive
1-45 sealed bids or proposals, including the reverse auction procedure,
1-46 ensuring full and open competition.

1-47 SECTION 3. (a) The changes in law made by this Act to a
1-48 regional transportation authority's contract rules, guidelines,
1-49 and procedures apply only to a procurement for which the authority
1-50 first advertises or otherwise solicits bids or proposals on or
1-51 after September 1, 2003.

1-52 (b) A procurement for which the regional transportation
1-53 authority first advertised or otherwise solicited bids or proposals
1-54 before September 1, 2003, is governed by the law as it existed
1-55 immediately before the effective date of this Act, and that law is
1-56 continued in effect for that purpose.

1-57 SECTION 4. This Act takes effect September 1, 2003.

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