

By: Lindsay

S.B. No. 736

A BILL TO BE ENTITLED

AN ACT

relating to form of the notice given by certain local governments under their purchasing and contracting procedures.

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

SECTION 1. Subchapter B, Chapter 44, Education Code, is amended by adding Section 44.044 to read as follows:

Sec. 44.044. ELECTRONIC NOTICE. (a) Instead of the notice required under Sections 44.031(g) and 44.033(b), a school district may publish the required notice for at least the two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications:

(1) on the school district's Internet website and the electronic procurement marketplace established under Subchapter B, Chapter 2177, Government Code; or

(2) for an interlocal contract under Section 44.031(a)(5), on the Internet website of:

(A) the administrative agency created under Section 791.013, Government Code, to supervise the contract; or

(B) if the administrative agency is not created, a governmental entity that is a party to the contract.

(b) A school district that publishes notice under this section must have a link on its Internet website that is clearly identified as the link to the public notice for the bids, proposals, and responses.

1 SECTION 2. Subchapter Z, Chapter 271, Local Government
2 Code, is amended by adding Section 271.907 to read as follows:

3 Sec. 271.907. ELECTRONIC NOTICE. (a) Instead of the notice
4 required by Sections 262.025(a), 263.007(b), 263.153, 271.055, and
5 272.001, a county may publish the required notice on the Internet
6 for at least 14 days before the date the county takes the action for
7 which the notice is required. The notice must be accessible at the
8 county's universal resource locator address of
9 "http://www.co.(name of county).tx.us/notices/index.htm".

10 (b) Instead of the notice required by Sections 252.041,
11 271.055, and 272.001, a municipality may publish the required
12 notice on its Internet website for at least 14 days before the date
13 the municipality takes the action for which the notice is required.
14 A municipality that publishes a notice under this section must have
15 a link on its Internet website that is clearly identified as the
16 link to the public notice for the bids, proposals, and responses.

17 SECTION 3. Section 44.031(g), Education Code, is amended to
18 read as follows:

19 (g) Except as provided by Section 44.044, notice ~~Notice~~ of
20 the time by when and place where the bids or proposals, or the
21 responses to a request for qualifications, will be received and
22 opened shall be published in the county in which the district's
23 central administrative office is located, once a week for at least
24 two weeks before the deadline for receiving bids, proposals, or
25 responses to a request for qualifications. If there is not a
26 newspaper in that county, the advertising shall be published in a
27 newspaper in the county nearest the county seat of the county in

1 which the district's central administrative office is located. In
2 a two-step procurement process, the time and place where the
3 second-step bids, proposals, or responses will be received are not
4 required to be published separately.

5 SECTION 4. Section 44.033(b), Education Code, is amended to
6 read as follows:

7 (b) Except as provided by Section 44.044, for [~~For~~] each
8 12-month period, the district shall publish a notice in two
9 successive issues of any newspaper of general circulation in the
10 county in which the school is located. If there is no newspaper in
11 the county in which the school is located, the advertising shall be
12 published in a newspaper in the county nearest the county seat of
13 the county in which the school is located, specifying the
14 categories of personal property to be purchased under this section
15 and soliciting the names, addresses, and telephone numbers of
16 vendors that are interested in supplying any of the categories to
17 the district. For each category, the district shall create a vendor
18 list consisting of each vendor that responds to the published
19 notice and any additional vendors the district elects to include.

20 SECTION 5. Section 252.041(a), Local Government Code, is
21 amended to read as follows:

22 (a) If the competitive sealed bidding requirement applies
23 to the contract, except as provided by Section 271.907 a notice of
24 the time and place at which the bids will be publicly opened and
25 read aloud must be published at least once a week for two
26 consecutive weeks in a newspaper published in the municipality.
27 The date of the first publication must be before the 14th day before

1 the date set to publicly open the bids and read them aloud. If no
2 newspaper is published in the municipality, the notice must be
3 posted at the city hall for 14 days before the date set to publicly
4 open the bids and read them aloud.

5 SECTION 6. Section 262.025(a), Local Government Code, is
6 amended to read as follows:

7 (a) Except as provided by Section 271.907, a [~~A~~] notice of a
8 proposed purchase must be published at least once a week in a
9 newspaper of general circulation in the county, with the first day
10 of publication occurring before the 14th day before the date of the
11 bid opening. If there is no newspaper of general circulation in the
12 county, the notice must be posted in a prominent place in the
13 courthouse for 14 days before the date of the bid opening.

14 SECTION 7. Section 263.007, Local Government Code, is
15 amended by adding Subsection (b-1) to read as follows:

16 (b-1) A county may publish notice under this section as
17 provided by Section 271.907.

18 SECTION 8. Section 263.153(a), Local Government Code, is
19 amended to read as follows:

20 (a) Except as provided by Section 271.907, the [~~The~~]
21 commissioners court shall publish notice of a sale of surplus or
22 salvage property in at least one newspaper of general circulation
23 in the county.

24 SECTION 9. Section 272.001(a), Local Government Code, is
25 amended to read as follows:

26 (a) Except for the types of land and interests covered by
27 Subsection (b), (g), (h), (i), or (j), and except as provided by

1 Sections [~~Section~~] 253.008 and 271.907, before land owned by a
2 political subdivision of the state may be sold or exchanged for
3 other land, notice to the general public of the offer of the land
4 for sale or exchange must be published in a newspaper of general
5 circulation in either the county in which the land is located or, if
6 there is no such newspaper, in an adjoining county. The notice must
7 include a description of the land, including its location, and the
8 procedure by which sealed bids to purchase the land or offers to
9 exchange the land may be submitted. The notice must be published on
10 two separate dates and the sale or exchange may not be made until
11 after the 14th day after the date of the second publication.

12 SECTION 10. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2003.