

By: West

S.B. No. 1005

A BILL TO BE ENTITLED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

relating to a state agency that is not complying with the requirement to make a good faith effort to increase the agency's use of historically underutilized businesses in purchasing and public works contracting.

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

SECTION 1. Subsections (d) and (f), Section 2161.123, Government Code, are amended to read as follows:

(d) The commission and the state auditor shall cooperate to develop procedures to periodically monitor state agency compliance with this section. The state auditor shall report to the commission, the Senate Finance Committee, and the House Appropriations Committee a state agency that is not complying with this section. In determining whether a state agency is making a good faith effort to comply, the state auditor shall consider whether the agency:

(1) has adopted rules under Section 2161.003;

(2) has used the commission's directory under Section 2161.064 and other resources to identify historically underutilized businesses that are able and available to contract with the agency;

(3) made good faith, timely efforts to contact identified historically underutilized businesses regarding contracting opportunities; and

1 (4) conducted its procurement program in accordance  
2 with the good faith effort methodology set out in commission rules.

3 (f) If the state auditor reports under Subsection (d) [~~to~~  
4 ~~the commission~~] that a state agency is not complying with this  
5 section:

6 (1) [~~7~~] the commission shall assist the agency in  
7 complying;

8 (2) the agency shall, not later than the 21st day after  
9 the date of the state auditor's report under Subsection (d), send to  
10 the state auditor, the Legislative Audit Committee, the Senate  
11 Finance Committee, and the House Appropriations Committee a letter  
12 that:

13 (A) outlines the actions that the agency will  
14 take to comply with the good faith effort requirements of this  
15 section, including actions to comply with the procedures specified  
16 under Subsection (d); and

17 (B) states the time by which the agency expects  
18 to have accomplished each of the actions it will take; and

19 (3) the agency shall send written notification to the  
20 state auditor, the Legislative Audit Committee, the Senate Finance  
21 Committee, and the House Appropriations Committee when the agency  
22 is in compliance with the good faith effort requirements of this  
23 section.

24 SECTION 2. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

S.B. No. 1005

1 Act takes effect September 1, 2003.