

1-1 By: Deuell S.B. No. 1412
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Infrastructure Development
1-4 and Security; April 9, 2003, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; April 9, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to procurement rules, guidelines, and procedures for
1-9 regional transportation authorities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 452.106, Transportation Code, is amended
1-12 by amending Subsection (a) and adding Subsection (c) to read as
1-13 follows:

1-14 (a) The executive committee may adopt and enforce
1-15 procurement procedures, guidelines, and rules:

1-16 (1) defining the terms in and implementing Sections
1-17 452.107 and 452.108(a) and (b); or

1-18 (2) covering:

1-19 (A) the appointment of contracting officers;

1-20 (B) the solicitation for and award of contracts,
1-21 including the electronic transmission of bids and proposals and the
1-22 use of the reverse auction procedure, as defined by Section
1-23 2155.062, Government Code;

1-24 (C) the resolution of protests and contract
1-25 disputes;

1-26 (D) foreign currency transactions and
1-27 conversions and foreign exchange rate risk management; or

1-28 (E) other aspects of the procurement process for
1-29 domestic and international contracts.

1-30 (c) A procurement procedure, guideline, or rule covering
1-31 the electronic transmission of bids and proposals must provide:

1-32 (1) for the identification, security, and
1-33 confidentiality of an electronic bid or proposal;

1-34 (2) that an electronic bid or proposal is not required
1-35 to be sealed; and

1-36 (3) that an electronic bid or proposal remains
1-37 effectively unopened until the appropriate time.

1-38 SECTION 2. Subsection (a), Section 452.107, Transportation
1-39 Code, is amended to read as follows:

1-40 (a) Except as provided by Subsection (c), an authority may
1-41 not award a contract for construction, services, or property, other
1-42 than real property, except through the solicitation of competitive
1-43 sealed bids or proposals, including the reverse auction procedure,
1-44 ensuring full and open competition.

1-45 SECTION 3. (a) The changes in law made by this Act to a
1-46 regional transportation authority's contract rules, guidelines,
1-47 and procedures apply only to a procurement for which the authority
1-48 first advertises or otherwise solicits bids or proposals on or
1-49 after September 1, 2003.

1-50 (b) A procurement for which the regional transportation
1-51 authority first advertised or otherwise solicited bids or proposals
1-52 before September 1, 2003, is governed by the law as it existed
1-53 immediately before the effective date of this Act, and that law is
1-54 continued in effect for that purpose.

1-55 SECTION 4. This Act takes effect September 1, 2003.

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