

BILL ANALYSIS

Senate Research Center
79R8519 MXM-D

H.B. 26
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Finance
5/16/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

While several state agencies make various documents relating to state contracting available to the general public in an online format, there is no uniform policy across state government on what documents should be made available. Nor is there the ability for the public to locate specific documents relating to contracts across state government from one convenient online location. H.B. 26 establishes a policy of making state contract documents generally available in an online format on a key-word searchable website.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Building and Procurement Commission in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Sections 2177.0001 and 2177.001, Government Code, as Section 2177.001, Government Code, and amends as follows:

Sec. 2177.001. DEFINITIONS. Redefines "state agency."

SECTION 2. Amends Section 2177.051(a), Government Code, to require the Texas Building and Procurement Commission (commission), rather than the Department of Information Resources (department) to establish, and the department to manage, the electronic infrastructure of an electronic procurement marketplace.

SECTION 3. Amends Subchapter B, Chapter 2177, Government Code, by adding Section 2177.052, as follows:

Sec. 2177.052. MAJOR CONTRACTS. (a) Defines "major contract."

(b) Requires each state agency to provide the commission copies of certain documents.

(c) Requires the commission to include certain information in the information posted on the electronic procurement marketplace.

(d) Requires the commission to allow Texas governmental entities, including legislative entities, access to the information posted under this section.

(e) Requires the commission to allow public access to the information posted under this section, except for information that is not subject to disclosure under Chapter 552 (Public Information). Requires information that is not subject to disclosure under Chapter 552 to be referenced in an appendix that generally describes the information without disclosing the specific content of the information.

(f) Requires the commission to make the information searchable by contract value, state agency, and vendor. Authorizes the commission to make the information searchable by other subjects as appropriate.

SECTION 4. (a) Requires the commission, not later than December 31, 2005, to establish or modify the electronic procurement marketplace as necessary to comply with Section 2177.052, Government Code, as added by this Act.

(b) Provides that a state agency is not required to comply with Section 2177.052, Government Code, as added by this Act, for a contract entered into before the effective date of this Act.

(c) Requires the commission and each affected state agency, not later than June 1, 2006, to meet the requirements of Section 2177.052, Government Code, as added by this Act. Authorizes the commission by rule to provide guidance regarding which major contracts entered into before the effective date of this Act, together with their related documents, may be provided to the commission for posting under Section 2177.052.

SECTION 5. Effective date: upon passage or September 1, 2005.