

By: Delisi

H.B. No. 26

Substitute the following for H.B. No. 26:

By: Frost

C.S.H.B. No. 26

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an electronic database of major state contracts and  
3 related documents.

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

5 SECTION 1. Sections 2177.0001 and 2177.001, Government  
6 Code, are reenacted as Section 2177.001, Government Code, and  
7 amended to read as follows:

8 Sec. 2177.001. DEFINITIONS. In this chapter:

9 (1) "Department" means the Department of Information  
10 Resources.

11 (2) "Electronic procurement system" means the  
12 electronic system for procuring goods and services consisting of  
13 the electronic procurement marketplace created under Subchapter B  
14 and the electronic commerce network created under Subchapter C.

15 (3) (1) [~~(1)~~] "Institution of higher education" has the  
16 meaning assigned by Section 61.003, Education Code.

17 (4) (2) [~~(2)~~] "Political subdivision" includes a school  
18 district.

19 (5) (3) [~~(3)~~] "State agency" has the meaning assigned by  
20 Section 2054.003, except that the term does not include a  
21 university system or institution of higher education [~~or an agency~~  
22 ~~identified in Section 531.001(4)]~~].

23 SECTION 2. Section 2177.051(a), Government Code, is amended  
24 to read as follows:

1           (a) The commission [~~department~~] shall establish, and the  
2 department shall manage, the electronic infrastructure of an  
3 electronic procurement marketplace. The commission shall manage  
4 and administer the content of the electronic procurement  
5 marketplace in accordance with this subtitle. The department or  
6 commission, as appropriate, may enter into contracts with private  
7 or public entities to establish or maintain all or part of the  
8 databases comprising the marketplace, to the extent feasible,  
9 including contracts to procure hardware or software. The  
10 department or commission, as appropriate, shall procure all goods  
11 and services related to the marketplace through a competitive  
12 selection process appropriate for the good or service being  
13 acquired.

14           SECTION 3. Subchapter B, Chapter 2177, Government Code, is  
15 amended by adding Section 2177.052 to read as follows:

16           Sec. 2177.052. MAJOR CONTRACTS. (a) In this section,  
17 "major contract" means a contract that has a value that is expected  
18 to be at least \$5 million computed as the:

- 19                   (1) initial value of the contract; or  
20                   (2) total value of the contract after all potential  
21 term extensions.

22           (b) Each state agency shall provide the commission copies of  
23 the following documents:

- 24                   (1) each major contract entered into by the agency;  
25 and

- 26                   (2) each request for proposal, invitation to bid, or  
27 comparable solicitation related to the major contract.

1       (c) The commission shall include in the information posted  
2 on the electronic procurement marketplace:

3           (1) each major contract of a state agency, including  
4 the commission; and

5           (2) each request for proposal, invitation to bid, or  
6 comparable solicitation related to the major contract.

7       (d) The commission shall allow Texas governmental entities,  
8 including legislative entities, access to the information posted  
9 under this section.

10       (e) The commission shall allow public access to the  
11 information posted under this section, except for information that  
12 is not subject to disclosure under Chapter 552. Information that is  
13 not subject to disclosure under Chapter 552 must be referenced in an  
14 appendix that generally describes the information without  
15 disclosing the specific content of the information.

16       (f) The commission shall make the information searchable by  
17 contract value, state agency, and vendor. The commission may make  
18 the information searchable by other subjects as appropriate.

19       SECTION 4. (a) Not later than December 31, 2005, the Texas  
20 Building and Procurement Commission shall establish or modify the  
21 electronic procurement marketplace as necessary to comply with  
22 Section 2177.052, Government Code, as added by this Act.

23       (b) A state agency is not required to comply with Section  
24 2177.052, Government Code, as added by this Act, for a contract  
25 entered into before the effective date of this Act.

26       (c) Not later than June 1, 2006, the Texas Building and  
27 Procurement Commission and each affected state agency shall meet

1 the requirements of Section 2177.052, Government Code, as added by  
2 this Act. The commission by rule may provide guidance regarding  
3 which major contracts entered into before the effective date of  
4 this Act, together with their related documents, may be provided to  
5 the commission for posting under Section 2177.052.

6 SECTION 5. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2005.