

By: Delisi

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

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

19 (5) [~~(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. Subchapter B, Chapter 2177, Government Code, is  
24 amended by adding Section 2177.052 to read as follows:

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

- 4           (1) initial value of the contract; or  
5           (2) total value of the contract after all potential  
6 term extensions.

7       (b) Each state agency shall provide the commission copies of  
8 the following documents:

- 9           (1) each major contract entered into by the agency;  
10 and  
11           (2) each request for proposal, invitation to bid, or  
12 comparable solicitation related to the major contract.

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

- 15           (1) each major contract of a state agency, including  
16 the commission; and  
17           (2) each request for proposal, invitation to bid, or  
18 comparable solicitation related to the major contract.

19       (d) The department shall allow Texas governmental entities,  
20 including legislative entities, access to the information posted  
21 under this section.

22       (e) The department, in consultation with the commission,  
23 shall allow public access to the information posted under this  
24 section. The commission shall redact from the information posted  
25 under this section:

- 26           (1) trade secrets described by Section 552.110(a); and  
27           (2) commercial or financial information described by

1 Section 552.110(b).

2 (f) The department shall make the information searchable by  
3 contract value, state agency, and vendor. The department may make  
4 the information searchable by other subjects as appropriate.

5 SECTION 3. (a) Not later than December 31, 2005, the  
6 Department of Information Resources shall modify the electronic  
7 procurement marketplace as necessary to comply with Section  
8 2177.052, Government Code, as added by this Act.

9 (b) Not later than June 1, 2006, the Texas Building and  
10 Procurement Commission and each affected state agency shall meet  
11 the requirements of Section 2177.052, Government Code, as added by  
12 this Act. The commission by rule may describe which major contracts  
13 entered into before the effective date of this Act, together with  
14 their related documents, must be provided to the commission for  
15 posting under Section 2177.052.

16 SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2005.