

1-1 By: Delisi (Senate Sponsor - Zaffirini) H.B. No. 26
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Finance;
1-4 May 18, 2005, reported favorably by the following vote: Yeas 12,
1-5 Nays 0; May 18, 2005, sent to printer.)

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

1-8 relating to an electronic database of major state contracts and
1-9 related documents.

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

1-11 SECTION 1. Sections 2177.0001 and 2177.001, Government
1-12 Code, are reenacted as Section 2177.001, Government Code, and
1-13 amended to read as follows:

1-14 Sec. 2177.001. DEFINITIONS. In this chapter:

1-15 (1) "Department" means the Department of Information
1-16 Resources.

1-17 (2) "Electronic procurement system" means the
1-18 electronic system for procuring goods and services consisting of
1-19 the electronic procurement marketplace created under Subchapter B
1-20 and the electronic commerce network created under Subchapter C.

1-21 (3) ~~[(1)]~~ "Institution of higher education" has the
1-22 meaning assigned by Section 61.003, Education Code.

1-23 (4) ~~[(2)]~~ "Political subdivision" includes a school
1-24 district.

1-25 (5) ~~[(3)]~~ "State agency" has the meaning assigned by
1-26 Section 2054.003, except that the term does not include a
1-27 university system or institution of higher education ~~[or an agency~~
1-28 ~~identified in Section 531.001(4)]~~.

1-29 SECTION 2. Section 2177.051(a), Government Code, is amended
1-30 to read as follows:

1-31 (a) The commission [department] shall establish, and the
1-32 department shall manage, the electronic infrastructure of an
1-33 electronic procurement marketplace. The commission shall manage
1-34 and administer the content of the electronic procurement
1-35 marketplace in accordance with this subtitle. The department or
1-36 commission, as appropriate, may enter into contracts with private
1-37 or public entities to establish or maintain all or part of the
1-38 databases comprising the marketplace, to the extent feasible,
1-39 including contracts to procure hardware or software. The
1-40 department or commission, as appropriate, shall procure all goods
1-41 and services related to the marketplace through a competitive
1-42 selection process appropriate for the good or service being
1-43 acquired.

1-44 SECTION 3. Subchapter B, Chapter 2177, Government Code, is
1-45 amended by adding Section 2177.052 to read as follows:

1-46 Sec. 2177.052. MAJOR CONTRACTS. (a) In this section,
1-47 "major contract" means a contract that has a value that is expected
1-48 to be at least \$5 million computed as the:

1-49 (1) initial value of the contract; or

1-50 (2) total value of the contract after all potential
1-51 term extensions.

1-52 (b) Each state agency shall provide the commission copies of
1-53 the following documents:

1-54 (1) each major contract entered into by the agency;
1-55 and

1-56 (2) each request for proposal, invitation to bid, or
1-57 comparable solicitation related to the major contract.

1-58 (c) The commission shall include in the information posted
1-59 on the electronic procurement marketplace:

1-60 (1) each major contract of a state agency, including
1-61 the commission; and

1-62 (2) each request for proposal, invitation to bid, or
1-63 comparable solicitation related to the major contract.

1-64 (d) The commission shall allow Texas governmental entities,

2-1 including legislative entities, access to the information posted
2-2 under this section.

2-3 (e) The commission shall allow public access to the
2-4 information posted under this section, except for information that
2-5 is not subject to disclosure under Chapter 552. Information that is
2-6 not subject to disclosure under Chapter 552 must be referenced in an
2-7 appendix that generally describes the information without
2-8 disclosing the specific content of the information.

2-9 (f) The commission shall make the information searchable by
2-10 contract value, state agency, and vendor. The commission may make
2-11 the information searchable by other subjects as appropriate.

2-12 SECTION 4. (a) Not later than December 31, 2005, the Texas
2-13 Building and Procurement Commission shall establish or modify the
2-14 electronic procurement marketplace as necessary to comply with
2-15 Section 2177.052, Government Code, as added by this Act.

2-16 (b) A state agency is not required to comply with Section
2-17 2177.052, Government Code, as added by this Act, for a contract
2-18 entered into before the effective date of this Act.

2-19 (c) Not later than June 1, 2006, the Texas Building and
2-20 Procurement Commission and each affected state agency shall meet
2-21 the requirements of Section 2177.052, Government Code, as added by
2-22 this Act. The commission by rule may provide guidance regarding
2-23 which major contracts entered into before the effective date of
2-24 this Act, together with their related documents, may be provided to
2-25 the commission for posting under Section 2177.052.

2-26 SECTION 5. This Act takes effect immediately if it receives
2-27 a vote of two-thirds of all the members elected to each house, as
2-28 provided by Section 39, Article III, Texas Constitution. If this
2-29 Act does not receive the vote necessary for immediate effect, this
2-30 Act takes effect September 1, 2005.

2-31 * * * * *