

BILL ANALYSIS

S.B. 2145
By: West
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, most political subdivisions, including counties, municipalities, and school districts are required to publish multiple notices regarding the time and place competitive bids will be publicly opened and read aloud. This causes unnecessary expenses for these entities and an undue expense for taxpayers. In addition, most vendors now obtain information regarding possible procurement opportunities through electronic means, such as the Internet.

S.B. 2145 amends the current law relating to the publication of notice for certain transactions involving local government entities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2145 amends Section 44.031, Education Code, by adding Subsections (g-1) and (g-2), to authorize a school district (district), if the district maintains an Internet website, instead of meeting the publication requirements under Subsection (g) (relating to notice of the time and place where bids or proposals, or the responses to a request for qualifications, will be received), to publish notice in a newspaper described by Subsection (g) once not later than the 14th day before the bid receipt deadline and post notice continuously on its website for at least 14 days immediately preceding the deadline. S.B. 2145 requires the newspaper notice under Subsection (g-1) to include the time and place at which the bids will be publicly opened and the website address for the procurement information.

S.B. 2145 amends Section 252.041, Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2) to require that notice of the time and place at which the bids will be publicly opened and read aloud, if the competitive sealed procurement, rather than sealed bidding, requirement applies to the contract, be published at least once a week for two consecutive weeks in a newspaper published in the municipality. Provides that in a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. S.B. 2145 authorizes a municipality, if the municipality maintains an Internet website, instead of meeting the publication requirements under Subsection (a), to publish notice in a newspaper described by Subsection (a) once not later than the 14th day before the bid receipt deadline and post notice continuously on its website for at least 14 days immediately preceding the bid receipt deadline. S.B. 2145 requires that the newspaper notice under Subsection (a-1) include the time and place at which the bids will be publicly opened and the website address for the procurement information.

S.B. 2145 amends Section 262.025, Local Government Code, by amending Subsections (a) and (b) and adding Subsections (b-1) and (b-2), to provide that in a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. Requires that the notice include among other information the time and place at which the bids will be publicly opened and read aloud, rather than the time and place for receiving and opening bids, and the name and position of the county official or employee to whom the bids are to be sent. Authorizes a county, if the county maintains an Internet website, instead of meeting the publication requirements under Subsection (a), to publish

notice in a newspaper described by Subsection (a) once not later than the 14th day before the bid receipt deadline and post notice continuously on its website for at least 14 days immediately preceding the bid receipt deadline. S.B. 2145 requires that the newspaper notice under Subsection (b-1) include the time and place at which the bids will be publicly opened and the website address for the procurement information.

S.B. 2145 amends Section 263.153(b), Local Government Code, to require that the notice be published not later than the 14th day, rather than on or after the 30th day but before the 10th day, before the date of the sale.

S.B. 2145 amends Section 271.025, Local Government Code, by amending Subsections (a), (b), (c), and (d) and adding Subsections (b-1) and (b-2), to require that the advertisement for bids include a notice that states the time and place for submitting bids and the time and place at which the bids will be publicly opened and read aloud. Requires that the first publication of notice, rather than the second publication of notice, be on or before the 14th day, rather than the 10th day, before the first date bids are authorized to be submitted. Authorizes the governmental entity, if the entity maintains an Internet website, instead of meeting the publication requirements under Subsection (b), to publish notice in a newspaper described by Subsection (b) once not later than the 14th day before the bid receipt deadline and post notice continuously on its website for at least 14 days immediately preceding the bid receipt deadline. S.B. 2145 requires the newspaper notice under Subsection (b-1) to include the time and place at which the bids will be publicly opened and the website address for the procurement information. Requires the governmental entity to provide notice, rather than mail a notice, containing the information required under Subsection (a) to certain organizations. S.B. 2145 makes a conforming change.

S.B. 2145 makes application of this Act prospective to September 1, 2009.

EFFECTIVE DATE

September 1, 2009.