

By: West

S.B. No. 2145

A BILL TO BE ENTITLED

AN ACT

relating to publication of notice for certain transactions involving local governmental entities.

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

SECTION 1. Section 44.031, Education Code, is amended by adding Subsections (g-1) and (g-2) to read as follows:

(g-1) If a school district maintains an Internet website, the district, instead of meeting the publication requirements under Subsection (g), may:

(1) publish notice in a newspaper described by Subsection (g) once not later than the 14th day before the bid receipt deadline; and

(2) post notice continuously on its website for at least 14 days immediately preceding the bid receipt deadline.

(g-2) The newspaper notice under Subsection (g-1) must include the time and place at which the bids will be publicly opened and the website address for the procurement information.

SECTION 2. Section 252.041, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) If the competitive sealed procurement ~~[bidding]~~ requirement applies to the contract, notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a

1 newspaper published in the municipality. The date of the first  
2 publication must be before the 14th day before the date set to  
3 publicly open the bids and read them aloud. If no newspaper is  
4 published in the municipality, the notice must be posted at the city  
5 hall for 14 days before the date set to publicly open the bids and  
6 read them aloud. In a two-step procurement process, the time and  
7 place where the second-step bids, proposals, or responses will be  
8 received are not required to be published separately.

9 (a-1) If a municipality maintains an Internet website, the  
10 municipality, instead of meeting the publication requirements  
11 under Subsection (a), may:

12 (1) publish notice in a newspaper described by  
13 Subsection (a) once not later than the 14th day before the bid  
14 receipt deadline; and

15 (2) post notice continuously on its website for at  
16 least 14 days immediately preceding the bid receipt deadline.

17 (a-2) The newspaper notice under Subsection (a-1) must  
18 include the time and place at which the bids will be publicly opened  
19 and the website address for the procurement information.

20 SECTION 3. Section 262.025, Local Government Code, is  
21 amended by amending Subsections (a) and (b) and adding Subsections  
22 (b-1) and (b-2) to read as follows:

23 (a) A notice of a proposed purchase must be published at  
24 least once a week in a newspaper of general circulation in the  
25 county, with the first day of publication occurring before the 14th  
26 day before the date of the bid opening. If there is no newspaper of  
27 general circulation in the county, the notice must be posted in a

1 prominent place in the courthouse for 14 days before the date of the  
2 bid opening. In a two-step procurement process, the time and place  
3 where the second-step bids, proposals, or responses will be  
4 received are not required to be published separately.

5 (b) The notice must include:

6 (1) the specifications describing the item to be  
7 purchased or a statement of where the specifications may be  
8 obtained;

9 (2) the time and place at which the bids will be  
10 publicly opened and read aloud [~~for receiving and opening bids~~] and  
11 the name and position of the county official or employee to whom the  
12 bids are to be sent;

13 (3) whether the bidder should use lump-sum or unit  
14 pricing;

15 (4) the method of payment by the county; and

16 (5) the type of bond required by the bidder.

17 (b-1) If a county maintains an Internet website, the county,  
18 instead of meeting the publication requirements under Subsection  
19 (a), may:

20 (1) publish notice in a newspaper described by  
21 Subsection (a) once not later than the 14th day before the bid  
22 receipt deadline; and

23 (2) post notice continuously on its website for at  
24 least 14 days immediately preceding the bid receipt deadline.

25 (b-2) The newspaper notice under Subsection (b-1) must  
26 include the time and place at which the bids will be publicly opened  
27 and the website address for the procurement information.

1 SECTION 4. Subsection (b), Section 263.153, Local  
2 Government Code, is amended to read as follows:

3 (b) The notice must be published not later than [~~on or~~  
4 ~~after~~] the 14th [~~30th day but before the 10th~~] day before the date  
5 of the sale.

6 SECTION 5. Section 271.025, Local Government Code, is  
7 amended by amending Subsections (a), (b), (c), and (d) and adding  
8 Subsections (b-1) and (b-2) to read as follows:

9 (a) The governmental entity must advertise for bids. The  
10 advertisement for bids must include a notice that:

- 11 (1) describes the work;
- 12 (2) states the location at which the bidding  
13 documents, plans, specifications, or other data may be examined by  
14 all bidders; and
- 15 (3) states the time and place for submitting bids and  
16 the time and place at which the [~~that~~] bids will be publicly opened  
17 and read aloud.

18 (b) The advertisement must be published as required by law.  
19 If no legal requirement for publication exists, the advertisement  
20 must be published at least twice in one or more newspapers of  
21 general circulation in the county or counties in which the work is  
22 to be performed. The first [~~second~~] publication of notice must be  
23 on or before the 14th [~~10th~~] day before the first date bids may be  
24 submitted.

25 (b-1) If the governmental entity maintains an Internet  
26 website, the entity, instead of meeting the publication  
27 requirements under Subsection (b), may:

1           (1) publish notice in a newspaper described by  
2 Subsection (b) once not later than the 14th day before the bid  
3 receipt deadline; and

4           (2) post notice continuously on its website for at  
5 least 14 days immediately preceding the bid receipt deadline.

6           (b-2) The newspaper notice under Subsection (b-1) must  
7 include the time and place at which the bids will be publicly opened  
8 and the website address for the procurement information.

9           (c) The governmental entity must provide ~~[mail-a]~~ notice  
10 containing the information required under Subsection (a) to any  
11 organization that:

12           (1) requests in advance that notices for bids be sent  
13 to it;

14           (2) agrees in writing to pay the actual cost of mailing  
15 the notice; and

16           (3) certifies that it circulates notices for bids to  
17 the construction trade in general.

18           (d) The governmental entity shall provide ~~[mail-a]~~ notice  
19 required under Subsection (c) on or before the date the first  
20 newspaper advertisement under this section is published.

21           SECTION 6. The changes in law made by this Act apply only to  
22 a notice required to be provided on or after September 1, 2009. A  
23 notice required to be provided before September 1, 2009, is  
24 governed by the law in effect immediately before that date, and that  
25 law is continued in effect for that purpose.

26           SECTION 7. This Act takes effect September 1, 2009.