

1-1 By: West S.B. No. 2145
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2145 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to publication of notice for certain transactions
1-11 involving local governmental entities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 44.031, Education Code, is amended by
1-14 adding Subsections (g-1) and (g-2) to read as follows:

1-15 (g-1) If a school district maintains an Internet website,
1-16 the district, instead of meeting the publication requirements under
1-17 Subsection (g), may:

1-18 (1) publish notice in a newspaper described by
1-19 Subsection (g) once not later than the 14th day before the bid
1-20 receipt deadline; and

1-21 (2) post notice continuously on its website for at
1-22 least 14 days immediately preceding the bid receipt deadline.

1-23 (g-2) The newspaper notice under Subsection (g-1) must
1-24 include the time and place at which the bids will be publicly opened
1-25 and the website address for the procurement information.

1-26 SECTION 2. Section 252.041, Local Government Code, is
1-27 amended by amending Subsection (a) and adding Subsections (a-1) and
1-28 (a-2) to read as follows:

1-29 (a) If the competitive sealed procurement [bidding]
1-30 requirement applies to the contract, notice of the time and place at
1-31 which the bids will be publicly opened and read aloud must be
1-32 published at least once a week for two consecutive weeks in a
1-33 newspaper published in the municipality. The date of the first
1-34 publication must be before the 14th day before the date set to
1-35 publicly open the bids and read them aloud. If no newspaper is
1-36 published in the municipality, the notice must be posted at the city
1-37 hall for 14 days before the date set to publicly open the bids and
1-38 read them aloud. In a two-step procurement process, the time and
1-39 place where the second-step bids, proposals, or responses will be
1-40 received are not required to be published separately.

1-41 (a-1) If a municipality maintains an Internet website, the
1-42 municipality, instead of meeting the publication requirements
1-43 under Subsection (a), may:

1-44 (1) publish notice in a newspaper described by
1-45 Subsection (a) once not later than the 14th day before the bid
1-46 receipt deadline; and

1-47 (2) post notice continuously on its website for at
1-48 least 14 days immediately preceding the bid receipt deadline.

1-49 (a-2) The newspaper notice under Subsection (a-1) must
1-50 include the time and place at which the bids will be publicly opened
1-51 and the website address for the procurement information.

1-52 SECTION 3. Section 262.025, Local Government Code, is
1-53 amended by amending Subsections (a) and (b) and adding Subsections
1-54 (b-1) and (b-2) to read as follows:

1-55 (a) A notice of a proposed purchase must be published at
1-56 least once a week in a newspaper of general circulation in the
1-57 county, with the first day of publication occurring before the 14th
1-58 day before the date of the bid opening. If there is no newspaper of
1-59 general circulation in the county, the notice must be posted in a
1-60 prominent place in the courthouse for 14 days before the date of the
1-61 bid opening. In a two-step procurement process, the time and place
1-62 where the second-step bids, proposals, or responses will be
1-63 received are not required to be published separately.

- 2-1 (b) The notice must include:
- 2-2 (1) the specifications describing the item to be
- 2-3 purchased or a statement of where the specifications may be
- 2-4 obtained;
- 2-5 (2) the time and place at which the bids will be
- 2-6 publicly opened and read aloud [~~for receiving and opening bids~~] and
- 2-7 the name and position of the county official or employee to whom the
- 2-8 bids are to be sent;
- 2-9 (3) whether the bidder should use lump-sum or unit
- 2-10 pricing;
- 2-11 (4) the method of payment by the county; and
- 2-12 (5) the type of bond required by the bidder.

2-13 (b-1) If a county maintains an Internet website, the county,
 2-14 instead of meeting the publication requirements under Subsection
 2-15 (a), may:

- 2-16 (1) publish notice in a newspaper described by
- 2-17 Subsection (a) once not later than the 14th day before the bid
- 2-18 receipt deadline; and
- 2-19 (2) post notice continuously on its website for at
- 2-20 least 14 days immediately preceding the bid receipt deadline.

2-21 (b-2) The newspaper notice under Subsection (b-1) must
 2-22 include the time and place at which the bids will be publicly opened
 2-23 and the website address for the procurement information.

2-24 SECTION 4. Subsection (b), Section 263.153, Local
 2-25 Government Code, is amended to read as follows:

2-26 (b) The notice must be published not later than [~~on or~~
 2-27 ~~after~~] the 14th [~~30th day but before the 10th~~] day before the date
 2-28 of the sale.

2-29 SECTION 5. Section 271.025, Local Government Code, is
 2-30 amended by amending Subsections (a), (b), (c), and (d) and adding
 2-31 Subsections (b-1) and (b-2) to read as follows:

2-32 (a) The governmental entity must advertise for bids. The
 2-33 advertisement for bids must include a notice that:

- 2-34 (1) describes the work;
- 2-35 (2) states the location at which the bidding
- 2-36 documents, plans, specifications, or other data may be examined by
- 2-37 all bidders; and
- 2-38 (3) states the time and place for submitting bids and
- 2-39 the time and place at which the [~~that~~] bids will be publicly opened
- 2-40 and read aloud.

2-41 (b) The advertisement must be published as required by law.
 2-42 If no legal requirement for publication exists, the advertisement
 2-43 must be published at least twice in one or more newspapers of
 2-44 general circulation in the county or counties in which the work is
 2-45 to be performed. The first [~~second~~] publication of notice must be
 2-46 on or before the 14th [~~10th~~] day before the first date bids may be
 2-47 submitted.

2-48 (b-1) If the governmental entity maintains an Internet
 2-49 website, the entity, instead of meeting the publication
 2-50 requirements under Subsection (b), may:

- 2-51 (1) publish notice in a newspaper described by
- 2-52 Subsection (b) once not later than the 14th day before the bid
- 2-53 receipt deadline; and
- 2-54 (2) post notice continuously on its website for at
- 2-55 least 14 days immediately preceding the bid receipt deadline.

2-56 (b-2) The newspaper notice under Subsection (b-1) must
 2-57 include the time and place at which the bids will be publicly opened
 2-58 and the website address for the procurement information.

2-59 (c) The governmental entity must provide [~~mail a~~] notice
 2-60 containing the information required under Subsection (a) to any
 2-61 organization that:

- 2-62 (1) requests in advance that notices for bids be sent
- 2-63 to it;
- 2-64 (2) agrees in writing to pay the actual cost of mailing
- 2-65 the notice; and
- 2-66 (3) certifies that it circulates notices for bids to
- 2-67 the construction trade in general.

2-68 (d) The governmental entity shall provide [~~mail a~~] notice
 2-69 required under Subsection (c) on or before the date the first

3-1 newspaper advertisement under this section is published.
3-2 SECTION 6. The changes in law made by this Act apply only to
3-3 a notice required to be provided on or after September 1, 2009. A
3-4 notice required to be provided before September 1, 2009, is
3-5 governed by the law in effect immediately before that date, and that
3-6 law is continued in effect for that purpose.
3-7 SECTION 7. This Act takes effect September 1, 2009.

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