

By: Button

H.B. No. 507

A BILL TO BE ENTITLED

AN ACT

relating to notice for certain transactions involving local government 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, either in print or on the newspaper's Internet website, 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 the district 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 252.022(a), Local Government Code, is amended to read as follows:

(a) This chapter does not apply to an expenditure for:

(1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the

1 necessity of the municipality's residents or to preserve the  
2 property of the municipality;

3 (2) a procurement necessary to preserve or protect the  
4 public health or safety of the municipality's residents;

5 (3) a procurement necessary because of unforeseen  
6 damage to public machinery, equipment, or other property;

7 (4) a procurement for personal, professional, or  
8 planning services;

9 (5) a procurement for work that is performed and paid  
10 for by the day as the work progresses;

11 (6) a purchase of land or a right-of-way;

12 (7) a procurement of items that are available from  
13 only one source, including:

14 (A) items that are available from only one source  
15 because of patents, copyrights, secret processes, or natural  
16 monopolies;

17 (B) films, manuscripts, or books;

18 (C) gas, water, and other utility services;

19 (D) captive replacement parts or components for  
20 equipment;

21 (E) books, papers, and other library materials  
22 for a public library that are available only from the persons  
23 holding exclusive distribution rights to the materials; and

24 (F) management services provided by a nonprofit  
25 organization to a municipal museum, park, zoo, or other facility to  
26 which the organization has provided significant financial or other  
27 benefits;

1           (8) a purchase of rare books, papers, and other  
2 library materials for a public library;

3           (9) paving drainage, street widening, and other public  
4 improvements, or related matters, if at least one-third of the cost  
5 is to be paid by or through special assessments levied on property  
6 that will benefit from the improvements;

7           (10) a public improvement project, already in  
8 progress, authorized by the voters of the municipality, for which  
9 there is a deficiency of funds for completing the project in  
10 accordance with the plans and purposes authorized by the voters;

11           (11) a payment under a contract by which a developer  
12 participates in the construction of a public improvement as  
13 provided by Subchapter C, Chapter 212;

14           (12) personal property sold:

15                   (A) at an auction by a state licensed auctioneer;

16                   (B) at a going out of business sale held in  
17 compliance with Subchapter F, Chapter 17, Business & Commerce Code;

18                   (C) by a political subdivision of this state, a  
19 state agency of this state, or an entity of the federal government;

20 or

21                   (D) under an interlocal contract for cooperative  
22 purchasing administered by a regional planning commission  
23 established under Chapter 391;

24           (13) services performed by blind or severely disabled  
25 persons;

26           (14) goods purchased by a municipality for subsequent  
27 retail sale by the municipality;

1 (15) electricity; or

2 (16) advertising[, ~~other than legal notices~~].

3 SECTION 3. Section 252.041, Local Government Code, is  
4 amended by amending Subsections (a) and (b) and adding Subsections  
5 (a-1) and (a-2) to read as follows:

6 (a) If the competitive sealed procurement [~~bidding~~]  
7 requirement applies to the contract, notice of the time and place at  
8 which the bids will be publicly opened and read aloud must be  
9 published at least once a week for two consecutive weeks in a  
10 newspaper published in the municipality. The date of the first  
11 publication must be before the 14th day before the date set to  
12 publicly open the bids and read them aloud. If no newspaper is  
13 published in the municipality, the notice must be posted at the city  
14 hall for 14 days before the date set to publicly open the bids and  
15 read them aloud.

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

19 (1) publish notice, either in print or on the  
20 newspaper's Internet website, 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 the municipal website  
24 for at least 14 days immediately preceding the bid receipt  
25 deadline.

26 (a-2) The newspaper notice under Subsection (a-1) must  
27 include the time and place at which the bids will be publicly opened

1 and the website address for the procurement information.

2 (b) If the competitive sealed proposals requirement applies  
3 to the contract, notice of the request for proposals must be given  
4 in the same manner as that prescribed by Subsection (a) or (a-1) for  
5 the notice for competitive sealed bids.

6 SECTION 4. Section 262.025, Local Government Code, is  
7 amended by adding Subsections (b-1) and (b-2) to read as follows:

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

11 (1) publish notice, either in print or on the  
12 newspaper's Internet website, 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 the county website for  
16 at least 14 days immediately preceding the bid receipt deadline.

17 (b-2) The newspaper notice under Subsection (b-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 5. Section 263.153(b), Local Government Code, is  
21 amended to read as follows:

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

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

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

3 (1) describes the work;

4 (2) states the location at which the bidding  
5 documents, plans, specifications, or other data may be examined by  
6 all bidders; and

7 (3) states the time and place for submitting bids and  
8 the time and place at which the [~~that~~] bids will be publicly opened  
9 and read aloud.

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

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

20 (1) publish notice, either in print or on the  
21 newspaper's Internet website, in a newspaper described by  
22 Subsection (b) once not later than the 14th day before the bid  
23 receipt deadline; and

24 (2) post notice continuously on the entity's website  
25 for at least 14 days immediately preceding the bid receipt  
26 deadline.

27 (b-2) The newspaper notice under Subsection (b-1) must

1 include the time and place at which the bids will be publicly opened  
2 and the website address for the procurement information.

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

6 (1) requests in advance that notices for bids be sent  
7 to it;

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

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

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

15 SECTION 7. The changes in law made by this Act apply only to  
16 a notice required to be provided on or after September 1, 2011. A  
17 notice required to be provided before September 1, 2011, is  
18 governed by the law in effect immediately before that date, and that  
19 law is continued in effect for that purpose.

20 SECTION 8. This Act takes effect September 1, 2011.