

By: Shaheen

H.B. No. 1851

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the reporting of certain state agency contract  
3 information and the posting of that information on the Internet.

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

5 SECTION 1. The heading to Section 322.020, Government Code,  
6 is amended to read as follows:

7 Sec. 322.020. [~~MAJOR~~] CONTRACTS DATABASE.

8 SECTION 2. Section 322.020, Government Code, is amended by  
9 amending Subsections (a), (b), and (c) and adding Subsection (b-1)  
10 to read as follows:

11 (a) In this section [~~,"major contract" means~~]:

12 (1) "Contract" means a contract, grant, or agreement  
13 for the purchase or sale of goods or services that is entered into  
14 or paid for, wholly or partly, by a state agency or an amendment,  
15 modification, renewal, or extension of the contract, grant, or  
16 agreement. The term includes a revenue generating contract, an  
17 interagency or interlocal grant or agreement, a purchase order, or  
18 other written expression of terms of agreement. [~~a contract for~~  
19 which notice is required under one of the following sections:

20 [~~(A) Section 2054.008,~~

21 [~~(B) Section 2166.2551,~~

22 [~~(C) Section 2254.006, or~~

23 [~~(D) Section 2254.0301, or~~

24 (2) "State agency" has the meaning assigned by Section

1 2054.003 [~~a contract, including an amendment, modification,~~  
2 ~~renewal, or extension:~~

3 [~~(A) for which notice is not required under a~~  
4 ~~section listed in Subdivision (1);~~

5 [~~(B) that is not a purchase order, an interagency~~  
6 ~~contract, or a contract paid only with funds not appropriated by the~~  
7 ~~General Appropriations Act; and~~

8 [~~(C) with a value that exceeds \$50,000].~~

9 (b) This section applies only to:

10 (1) a major consulting services contract, as defined  
11 by Section 2254.021; and

12 (2) a contract, including any amendment,  
13 modification, renewal, or extension of the contract, that has a  
14 value that exceeds or is reasonably expected to exceed \$50,000,  
15 other than:

16 (A) an enrollment contract described by 1 T.A.C.  
17 Section 391.183 as that section existed on September 1, 2015; or

18 (B) a contract of the Texas Department of  
19 Transportation that:

20 (i) relates to highway construction or  
21 engineering; or

22 (ii) is subject to Section 201.112,  
23 Transportation Code.

24 (b-1) Not later than the 30th calendar day after the date a  
25 contract is awarded, amended, modified, renewed, or extended, a  
26 [Each] state agency shall provide written notice of the contract to  
27 the Legislative Budget Board. The written notice must include

1 copies of the following documents:

2 (1) each ~~[major]~~ contract entered into by the agency,  
3 including each amendment, modification, renewal, or extension of  
4 the contract; and

5 (2) each request for proposal, invitation to bid, or  
6 comparable solicitation related to the ~~[major]~~ contract.

7 (c) The Legislative Budget Board shall post on the Internet  
8 a copy of:

9 (1) each ~~[major]~~ contract, including each amendment,  
10 modification, renewal, or extension of the contract [~~of a state~~  
11 ~~agency~~]; and

12 (2) each request for proposal, invitation to bid, or  
13 comparable solicitation related to the ~~[major]~~ contract.

14 SECTION 3. Section [2261.253](#), Government Code, is amended to  
15 read as follows:

16 Sec. 2261.253. REQUIRED POSTING OF [~~CERTAIN CONTRACTS,~~  
17 ~~ENHANCED~~] CONTRACT INFORMATION AND PERFORMANCE MONITORING. (a)  
18 Each [~~For each contract for the purchase of goods or services from a~~  
19 ~~private vendor, each~~] state agency shall post on its Internet  
20 website's home page a link to the Legislative Budget Board's  
21 contracts database established under Section [322.020](#). [~~website.~~

22 [~~(1) each contract the agency enters into, including~~  
23 ~~contracts entered into without inviting, advertising for, or~~  
24 ~~otherwise requiring competitive bidding before selection of the~~  
25 ~~contractor, until the contract expires or is completed,~~

26 [(2) the statutory or other authority under which a  
27 contract that is not competitively bid under Subdivision (1) is

1 entered into without compliance with competitive bidding  
2 procedures; and

3 ~~[(3) the request for proposals related to a~~  
4 ~~competitively bid contract included under Subdivision (1) until the~~  
5 ~~contract expires or is completed.]~~

6 (b) ~~[A state agency monthly may post contracts described by~~  
7 ~~Subsection (a) that are valued at less than \$15,000.~~

8 ~~[(c)]~~ Each state agency by rule shall establish a procedure  
9 to identify each contract that requires enhanced contract or  
10 performance monitoring and submit information on the contract to  
11 the agency's governing body or, if the agency is not governed by a  
12 multimember governing body, the officer who governs the agency.  
13 The agency's contract management office or procurement director  
14 shall immediately notify the agency's governing body or governing  
15 official, as appropriate, of any serious issue or risk that is  
16 identified with respect to a contract monitored under this  
17 subsection.

18 ~~[(d) This section does not apply to a memorandum of~~  
19 ~~understanding, interagency contract, interlocal agreement, or~~  
20 ~~contract for which there is not a cost.]~~

21 SECTION 4. Section [2054.0965](#), Government Code, is amended  
22 by amending Subsection (b) and adding Subsection (c) to read as  
23 follows:

24 (b) Except as otherwise modified by rules adopted by the  
25 department, the review must include:

26 (1) an inventory of the agency's major information  
27 systems~~[, as defined by Section [2054.008](#),~~] and other operational or

1 logistical components related to deployment of information  
2 resources as prescribed by the department;

3 (2) an inventory of the agency's major databases and  
4 applications;

5 (3) a description of the agency's existing and planned  
6 telecommunications network configuration;

7 (4) an analysis of how information systems,  
8 components, databases, applications, and other information  
9 resources have been deployed by the agency in support of:

10 (A) applicable achievement goals established  
11 under Section 2056.006 and the state strategic plan adopted under  
12 Section 2056.009;

13 (B) the state strategic plan for information  
14 resources; and

15 (C) the agency's business objectives, mission,  
16 and goals;

17 (5) agency information necessary to support the state  
18 goals for interoperability and reuse; and

19 (6) confirmation by the agency of compliance with  
20 state statutes, rules, and standards relating to information  
21 resources.

22 (c) In this section, "major information system" includes:

23 (1) one or more computers that in the aggregate cost  
24 more than \$100,000;

25 (2) a service related to computers, including computer  
26 software, that costs more than \$100,000; and

27 (3) a telecommunications apparatus or device that

1 serves as a voice, data, or video communications network for  
2 transmitting, switching, routing, multiplexing, modulating,  
3 amplifying, or receiving signals on the network and costs more than  
4 \$100,000.

5 SECTION 5. The following sections of the Government Code  
6 are repealed:

- 7 (1) Section [322.020\(f\)](#);
- 8 (2) Section [2054.008](#);
- 9 (3) Section [2166.2551](#);
- 10 (4) Section [2254.006](#); and
- 11 (5) Section [2254.0301](#).

12 SECTION 6. The changes in law made by this Act apply to a  
13 contract entered into or amended, modified, renewed, or extended on  
14 or after the effective date of this Act. A contract entered into or  
15 amended, modified, renewed, or extended before the effective date  
16 of this Act is governed by the law in effect on the date the contract  
17 was entered into or amended, modified, renewed, or extended, and  
18 the former law is continued in effect for that purpose.

19 SECTION 7. This Act takes effect September 1, 2017.