

By: Neave

H.B. No. 4609

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of sexual harassment claims against contractors in awarding certain state agency contracts.

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

SECTION 1. Subchapter H, Chapter 2155, Government Code, is amended by adding Section 2155.4455 to read as follows:

Sec. 2155.4455. SELECTION FACTORS FOR CERTAIN CONTRACTORS; CERTIFICATION BY CONTRACTOR. (a) The comptroller and each state agency shall consider as a factor, when selecting a contractor, whether any sexual harassment claims against the contractor have been filed with the Texas Workforce Commission or the Equal Employment Opportunity Commission and whether the contractor has been found liable in any judicial or administrative proceeding for sexual harassment.

(b) The comptroller or a state agency may not enter into a contract with a contractor unless the contractor submits with the bid, proposal, or other applicable expression of interest in the contract a written statement disclosing:

(1) whether a sexual harassment claim against the contractor has been filed with the Texas Workforce Commission or the Equal Employment Opportunity Commission;

(2) if a sexual harassment claim against the contractor has been filed with the Texas Workforce Commission or the Equal Employment Opportunity Commission, the number of claims

1 filed;

2 (3) whether the contractor has been found liable for
3 sexual harassment in a judicial or administrative proceeding; and

4 (2) if the contractor has been found liable for sexual
5 harassment in a judicial or administrative proceeding, the number
6 of findings of liability.

7 (c) Each contract with the comptroller or a state agency
8 must include the following statement:

9 " (name of contractor) certifies that the
10 information required by Section 2155.4455, Government Code, is
11 correct and acknowledges that, if this certification is inaccurate,
12 the inaccuracy constitutes a default of this contract on notice
13 from the comptroller or state agency and the contractor may be
14 barred from participating in contracts with any state agency in
15 this state."

16 (d) The comptroller or a state agency shall determine that a
17 contractor is ineligible for a contract under this section if the
18 contractor was awarded a contract based on inaccurate information
19 provided under Subsection (b).

20 (e) A state agency that determines a contractor is
21 ineligible for a contract under Subsection (d) shall refer the
22 matter to the comptroller for action.

23 (f) Using procedures prescribed by Section 2155.077, the
24 comptroller shall bar a contractor from participating in a state
25 agency contract if the comptroller or a state agency has determined
26 the contractor is ineligible for a contract under this section.

27 (g) Debarment under this section expires on the third

1 anniversary of the date of the debarment under Subsection (f).

2 SECTION 2. Section 2155.4455, Government Code, as added by
3 this Act, applies only to a contract for which the request for bids
4 or proposals or other applicable expressions of interest is made
5 public on or after the effective date of this Act.

6 SECTION 3. This Act takes effect September 1, 2019.