

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

relating to an electronic database of major state contracts and related documents.

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

SECTION 1. Sections 2177.0001 and 2177.001, Government Code, are reenacted as Section 2177.001, Government Code, and amended to read as follows:

Sec. 2177.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Information Resources.

(2) "Electronic procurement system" means the electronic system for procuring goods and services consisting of the electronic procurement marketplace created under Subchapter B and the electronic commerce network created under Subchapter C.

(3) [~~(1)~~] "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(4) [~~(2)~~] "Political subdivision" includes a school district.

(5) [~~(3)~~] "State agency" has the meaning assigned by Section 2054.003, except that the term does not include a university system or institution of higher education [~~or an agency identified in Section 531.001(4)~~].

SECTION 2. Section 2177.051(a), Government Code, is amended to read as follows:

1 (a) The commission [~~department~~] shall establish, and the
2 department shall manage, the electronic infrastructure of an
3 electronic procurement marketplace. The commission shall manage
4 and administer the content of the electronic procurement
5 marketplace in accordance with this subtitle. The department or
6 commission, as appropriate, may enter into contracts with private
7 or public entities to establish or maintain all or part of the
8 databases comprising the marketplace, to the extent feasible,
9 including contracts to procure hardware or software. The
10 department or commission, as appropriate, shall procure all goods
11 and services related to the marketplace through a competitive
12 selection process appropriate for the good or service being
13 acquired.

14 SECTION 3. Subchapter B, Chapter 2177, Government Code, is
15 amended by adding Section 2177.052 to read as follows:

16 Sec. 2177.052. MAJOR CONTRACTS. (a) In this section,
17 "major contract" means a contract that has a value that is expected
18 to be at least \$5 million computed as the:

19 (1) initial value of the contract; or
20 (2) total value of the contract after all potential
21 term extensions.

22 (b) Each state agency shall provide the commission copies of
23 the following documents:

24 (1) each major contract entered into by the agency;
25 and

26 (2) each request for proposal, invitation to bid, or
27 comparable solicitation related to the major contract.

1 (c) The commission shall include in the information posted
2 on the electronic procurement marketplace:

3 (1) each major contract of a state agency, including
4 the commission; and

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

7 (d) The commission shall allow Texas governmental entities,
8 including legislative entities, access to the information posted
9 under this section.

10 (e) The commission shall allow public access to the
11 information posted under this section, except for information that
12 is not subject to disclosure under Chapter 552. Information that is
13 not subject to disclosure under Chapter 552 must be referenced in an
14 appendix that generally describes the information without
15 disclosing the specific content of the information.

16 (f) The commission shall make the information searchable by
17 contract value, state agency, and vendor. The commission may make
18 the information searchable by other subjects as appropriate.

19 SECTION 4. (a) Not later than December 31, 2005, the Texas
20 Building and Procurement Commission shall establish or modify the
21 electronic procurement marketplace as necessary to comply with
22 Section 2177.052, Government Code, as added by this Act.

23 (b) A state agency is not required to comply with Section
24 2177.052, Government Code, as added by this Act, for a contract
25 entered into before the effective date of this Act.

26 (c) Not later than June 1, 2006, the Texas Building and
27 Procurement Commission and each affected state agency shall meet

1 the requirements of Section 2177.052, Government Code, as added by
2 this Act. The commission by rule may provide guidance regarding
3 which major contracts entered into before the effective date of
4 this Act, together with their related documents, may be provided to
5 the commission for posting under Section 2177.052.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2005.

David Newkum

President of the Senate

Jim Caddell

Speaker of the House

I certify that H.B. No. 26 was passed by the House on May 9, 2005, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 26 was passed by the Senate on May 20, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED: 17 JUNE '05

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM '05

JUN 17 2005
Roger Williams
Secretary of State