

BILL ANALYSIS

Senate Research Center

S.B. 1380
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As Filed

DIGEST

Currently, methods demonstrating advance notice of state procurement are rare. S.B. 1380 creates a business daily to give notice before a state agency makes a procurement with a value that exceeds \$25,000.

PURPOSE

As proposed, S.B. 1380 creates a business daily to give notice before a state agency makes a procurement with a value that exceeds \$25,000.

RULEMAKING AUTHORITY

Rulemaking authority is granted to General Services Commission in SECTION 1 (Sec. 2155.074(j) Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2155B, Government Code, by adding Section 2155.074, as follows:

Sec. 2155.074. STATE BUSINESS DAILY; NOTICE REGARDING PROCUREMENTS EXCEEDING \$25,000. (a) Provides that this section applies to each state agency making a procurement that will exceed \$25,000 in value, without regard to the source of funds the agency will use for the procurement, including a procurement that will exceed that amount and that fulfills other qualifications.

(b) Requires the General Services Commission (commission) each business day to publish a business daily in a printed format and in an electronic format. Requires the commission to publish in the business daily information as prescribed by this section about commission or other state agency procurements that will exceed \$25,000 in value. Requires the commission to also publish in the business daily certain other information that the commission considers to be of interest to the public.

(c) Requires the commission to make the printed business daily available for a subscription fee set in an amount that recovers the cost of making the printed daily available.

(d) Requires the commission to make the electronic business daily available through the information service operated by the Texas Department of Commerce (department) known as the Texas Marketplace, or a suitable successor information service. Requires the commission and the department to cooperate in making the electronic business daily available.

(e) Prohibits the fee charged for the printed business daily from including an amount designed to also recover the cost of preparing and gathering the information that is published in the business daily.

(f) Requires the commission to include certain information for each procurement that the commission or another state agency will make that is estimated to exceed \$25,000 in value.

(g) Requires the commission to continue to publish the information required under Subsection (f) in each issue of the business daily for at least 30 calendar days and at least weekly after that period until the commission or other state agency awards the procurement contract or decides not to make the procurement.

(h) Prohibits the commission or other state agency from awarding the procurement contract and requires the commission to continue to accept bids or proposals or other applicable expressions of interest for the procurement contract for a certain time period. Provides that the 30-calendar-day requirement of this subsection and Subsection (g) does not apply in an emergency requiring the commission or other state agency to make the procurement more quickly to prevent a hazard to life, health, safety, welfare, or property or to avoid undue additional cost to the state.

(i) Requires each state agency that will award a procurement contract estimated to exceed \$25,000 in value to send certain information to the commission.

(j) Authorizes the commission to adopt rules, prescribe forms, and require information to administer this section. Requires the commission to send any proposed rules to certain government officials.

(k) Provides that the requirements of this section are in addition to the requirements of other law relating to the solicitation of bids, proposals, or expressions of interest for a procurement by the commission or another state agency. Provides that this section does not affect whether the commission or other state agency is required to award a procurement contract through competitive bidding, competitive sealed proposals, or another method.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: July 1, 1998, except that the General Services Commission may adopt rules, procedures, and forms and make agreements necessary to administer this Act beginning September 1, 1997.

SECTION 4. Emergency clause.