

1-1 By: West S.B. No. 2145
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2145 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to publication of notice for certain transactions
1-11 involving local governmental entities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 44.031, Education Code, is amended by
1-14 adding Subsections (g-1) and (g-2) to read as follows:

1-15 (g-1) If a school district maintains an Internet website,
1-16 the district, instead of meeting the publication requirements under
1-17 Subsection (g), may:

1-18 (1) publish notice in a newspaper described by
1-19 Subsection (g) once not later than the 14th day before the bid
1-20 receipt deadline; and

1-21 (2) post notice continuously on its website for at
1-22 least 14 days immediately preceding the bid receipt deadline.

1-23 (g-2) The newspaper notice under Subsection (g-1) must
1-24 include the time and place at which the bids will be publicly opened
1-25 and the website address for the procurement information.

1-26 SECTION 2. Section 252.041, Local Government Code, is
1-27 amended by amending Subsection (a) and adding Subsections (a-1) and
1-28 (a-2) to read as follows:

1-29 (a) If the competitive sealed procurement [bidding]
1-30 requirement applies to the contract, notice of the time and place at
1-31 which the bids will be publicly opened and read aloud must be
1-32 published at least once a week for two consecutive weeks in a
1-33 newspaper published in the municipality. The date of the first
1-34 publication must be before the 14th day before the date set to
1-35 publicly open the bids and read them aloud. If no newspaper is
1-36 published in the municipality, the notice must be posted at the city
1-37 hall for 14 days before the date set to publicly open the bids and
1-38 read them aloud. In a two-step procurement process, the time and
1-39 place where the second-step bids, proposals, or responses will be
1-40 received are not required to be published separately.

1-41 (a-1) If a municipality maintains an Internet website, the
1-42 municipality, instead of meeting the publication requirements
1-43 under Subsection (a), may:

1-44 (1) publish notice in a newspaper described by
1-45 Subsection (a) once not later than the 14th day before the bid
1-46 receipt deadline; and

1-47 (2) post notice continuously on its website for at
1-48 least 14 days immediately preceding the bid receipt deadline.

1-49 (a-2) The newspaper notice under Subsection (a-1) must
1-50 include the time and place at which the bids will be publicly opened
1-51 and the website address for the procurement information.

1-52 SECTION 3. Section 262.025, Local Government Code, is
1-53 amended by amending Subsections (a) and (b) and adding Subsections
1-54 (b-1) and (b-2) to read as follows:

1-55 (a) A notice of a proposed purchase must be published at
1-56 least once a week in a newspaper of general circulation in the
1-57 county, with the first day of publication occurring before the 14th
1-58 day before the date of the bid opening. If there is no newspaper of
1-59 general circulation in the county, the notice must be posted in a
1-60 prominent place in the courthouse for 14 days before the date of the
1-61 bid opening. In a two-step procurement process, the time and place
1-62 where the second-step bids, proposals, or responses will be
1-63 received are not required to be published separately.

(b) The notice must include:

(1) the specifications describing the item to be purchased or a statement of where the specifications may be obtained;

(2) the time and place at which the bids will be publicly opened and read aloud [for receiving and opening bids] and the name and position of the county official or employee to whom the bids are to be sent;

(3) whether the bidder should use lump-sum or unit pricing;

(4) the method of payment by the county; and
(5) the type of bond required by the bidder.

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

(1) publish notice in a newspaper described by Subsection (a) once not later than the 14th day before the bid receipt deadline; and

(2) post notice continuously on its website for at least 14 days immediately preceding the bid receipt deadline.

(b-2) The newspaper notice under Subsection (b-1) must include the time and place at which the bids will be publicly opened and the website address for the procurement information.

SECTION 4. Subsection (b), Section 263.153, Local Government Code, is amended to read as follows:

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

SECTION 5. Section 271.025, Local Government Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (b-1) and (b-2) to read as follows:

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

- (1) describes the work;
- (2) states the location at which the bidding

(2) states the location of all documents, plans, specifications, or

(3) states the time and place for submitting bids and

(b) The advertisement must be published as required by law.

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

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

(1) publish notice in a newspaper described by Subsection (b) once not later than the 14th day before the bid receipt deadline; and

(2) post notice continuously on its website for at least 14 days immediately preceding the bid receipt deadline.

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

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

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

organization that:

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

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

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

(d) The governmental entity shall provide [mail a] notice required under Subsection (c) on or before the date the first

3-1 newspaper advertisement under this section is published.

3-2 SECTION 6. The changes in law made by this Act apply only to
3-3 a notice required to be provided on or after September 1, 2009. A
3-4 notice required to be provided before September 1, 2009, is
3-5 governed by the law in effect immediately before that date, and that
3-6 law is continued in effect for that purpose.

3-7 SECTION 7. This Act takes effect September 1, 2009.

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