

82R2731 JTS-F

By: Button

H.B. No. 507

A BILL TO BE ENTITLED

AN ACT

relating to notice for certain transactions involving local government entities.

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

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

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

(1) publish notice, either in print or on the newspaper's Internet website, in a newspaper described by Subsection (g) once not later than the 14th day before the bid receipt deadline; and

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

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

SECTION 2. Section 252.022(a), Local Government Code, is amended to read as follows:

(a) This chapter does not apply to an expenditure for:

(1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;

(2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;

(3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;

(4) a procurement for personal, professional, or planning services;

(5) a procurement for work that is performed and paid for by the day as the work progresses;

(6) a purchase of land or a right-of-way;

(7) a procurement of items that are available from only one source, including:

(A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;

(B) films, manuscripts, or books;

(C) gas, water, and other utility services;

(D) captive replacement parts or components for equipment;

(E) books, papers, and other library materials for a public library that are available only from the persons holding

exclusive distribution rights to the materials; and

(F) management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

(8) a purchase of rare books, papers, and other library materials for a public library;

(9) paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;

(10) a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;

(11) a payment under a contract by which a developer

participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;

(12) personal property sold:

(A) at an auction by a state licensed auctioneer;

(B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;

(C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government;

or

(D) under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;

(13) services performed by blind or severely disabled persons;

(14) goods purchased by a municipality for subsequent retail sale by the municipality;

(15) electricity; or

(16) advertising[, ~~other than legal notices~~].

SECTION 3. Section 252.041, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (a-2) to read as follows:

(a) If the competitive sealed procurement [~~bidding~~] requirement applies to the contract, notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first publication must be before the 14th day before the date set to publicly open the bids and read them aloud. If no newspaper is published in the municipality, the notice must be posted at the city hall for 14 days before the date set to publicly open the bids and read them aloud.

(a-1) If a municipality maintains an Internet website, the

municipality, instead of meeting the publication requirements under Subsection (a), may:

(1) publish notice, either in print or on the newspaper's Internet website, 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 the municipal website for at least 14 days immediately preceding the bid receipt deadline.

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

(b) If the competitive sealed proposals requirement applies to the contract, notice of the request for proposals must be given in the same manner as that prescribed by Subsection (a) or (a-1) for the notice for competitive sealed bids.

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SECTION 4. Section 262.025, Local Government Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

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

(1) publish notice, either in print or on the newspaper's Internet website, 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 the county 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 5. Section 263.153(b), 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 6. 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 documents, plans, specifications, or other data may be examined by all bidders; and

(3) states the time and place for submitting bids and the time and place at which the [~~that~~] bids will be publicly opened and read aloud.

(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, either in print or on the newspaper's Internet website, 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 the entity's 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:

(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 newspaper advertisement under this section is published.

SECTION 7. The changes in law made by this Act apply only to a notice required to be provided on or after September 1, 2011. A

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notice required to be provided before September 1, 2011, is  
governed by the law in effect immediately before that date, and  
that law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 2011.