

BILL ANALYSIS

Senate Research Center

H.B. 443
By: Denny (Lindsay)
Education
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Engrossed

DIGEST AND PURPOSE

Under current law, school districts are required to advertise bidding and proposal instruments in the county newspaper in which the district's central administrative office is located, each day for two weeks when the purchases exceed \$25,000 in one-time costs or total costs for the year. Conversely, state and local governments are allowed to advertise bids and requests for information or proposals on the Texas Marketplace Website used by state agencies and local governments for posting information and maintained by the Texas Building and Procurement Commission. School districts are authorized to post on the Texas Marketplace Website but are also still required to purchase advertisements in newspapers. H.B. 443 establishes the framework in which a school district may use the Internet and the Texas Marketplace Website in the procurement process.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 44.031(g), Education Code, to provide that notice of the time by which, rather than when, and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened is required to be posted on the electronic procurement marketplace established under Subchapter B, Chapter 2177 (Electronic Procurement Marketplace), Government Code, for a period of at least 14 days before the deadline for receiving bids, proposals, or responses to a request for qualifications or published in the county in which the school district's (district) central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses for qualifications. Requires the advertising, if the notice is to be provided by publication and there is not a newspaper in the county in which the district's central administrative office is located, to be published in the county nearest the county seat of that county. Provides that in a two-step procurement process, the time by which and place where the second-step bids, proposals, or responses will be received are not required to be posted or published separately. Requires a district that publishes notice in a newspaper to include the Internet website addresses of the district and of the electronic procurement marketplace in the published notice.

SECTION 2. Amends Section 44.031, Education Code, by adding Subsection (g-1) to provide that, notwithstanding Subsection (g), if a school district publishes notice in a newspaper under Subsection (g) and the district determines that a sufficient number of bids, proposals, or responses have been received, the district is not required to continue to publish notice in the newspaper after the first week of publication. Requires the board of trustees of the district to adopt guidelines to assist the district in determining whether the district has received a sufficient number of bids, proposals, or responses.

SECTION 3. Amends Section 2177.051(e), Government Code, to require the Texas Building and Procurement Commission to permit a school district, in complying with Section 44.031(g), Education Code, to post information on the electronic procurement marketplace.

SECTION 4. Effective date: September 1, 2003.