

By: Shapleigh

S.B. No. 1482

A BILL TO BE ENTITLED

AN ACT

relating to the acquisition of goods and services for certain state agencies providing health and human services.

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

SECTION 1. Section 2155.144(d), Government Code, is amended to read as follows:

(d) The [~~Subject to Subsection (c), the~~] agency shall [~~may~~] consider all relevant factors in determining the best value, including:

(1) all costs associated with acquiring the vendor's goods or services, including:

(A) any installation costs and any other initial costs;

(B) costs associated with the transition to using the vendor's goods or services if those goods or services were previously provided by a state agency;

(C) any contract monitoring costs; and

(D) any administrative costs;

(2) the delivery terms;

(3) the quality and reliability of the vendor's goods or services;

(4) the extent to which the goods or services meet the agency's needs;

(5) indicators of probable vendor performance under

1 the contract such as past vendor performance, the vendor's
2 financial resources and ability to perform, the vendor's experience
3 and responsibility, and the vendor's ability to provide reliable
4 maintenance agreements;

5 (6) the impact on the ability of the agency to comply
6 with laws and rules relating to historically underutilized
7 businesses or relating to the procurement of goods and services
8 from persons with disabilities;

9 (7) the total long-term cost to the agency of
10 acquiring the vendor's goods or services, including:

11 (A) the cost to the agency of replacing the
12 vendor's goods or services if the vendor fails to fulfill the
13 contractual obligations; and

14 (B) the economic impact to local governments of
15 the loss of state jobs in the region as a result of the acquisition,
16 if applicable;

17 (8) the cost of any employee training associated with
18 the acquisition;

19 (9) the effect of an acquisition on agency
20 productivity;

21 (10) the acquisition price; and

22 (11) any other factor relevant to determining the best
23 value for the agency in the context of a particular acquisition.

24 SECTION 2. Section 2155.144(d), Government Code, as amended
25 by this Act, applies only to an acquisition of goods or services
26 made on or after the effective date of this Act.

27 SECTION 3. This Act takes effect September 1, 2005.