

By: Truitt

H.B. No. 273

A BILL TO BE ENTITLED

AN ACT

relating to certain contracts and purchasing procedures for school districts.

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

SECTION 1. The heading to Section 34.008, Education Code, is amended to read as follows:

Sec. 34.008. CONTRACT WITH TRANSIT AUTHORITY, ~~[OR]~~ COMMERCIAL TRANSPORTATION COMPANY, OR JUVENILE BOARD.

SECTION 2. Section 34.008(a), Education Code, is amended to read as follows:

(a) A board of county school trustees or school district board of trustees may contract with a mass transit authority, ~~[or]~~ a commercial transportation company, or a juvenile board for all or any part of a district's public school transportation if the authority, ~~[or]~~ company, or board:

(1) requires its school bus drivers to have the qualifications required by and to be certified in accordance with standards established by the Department of Public Safety; and

(2) uses only those school buses or mass transit authority buses in transporting 15 or more public school students that meet or exceed safety standards for school buses established under Section 34.002 [~~Education Code~~].

SECTION 3. Section 44.031(b), Education Code, is amended to read as follows:

1 (b) Except as provided by this subchapter, in determining to  
2 whom to award a contract, the district shall [~~may~~] consider:

3 (1) the purchase price;

4 (2) the reputation of the vendor and of the vendor's  
5 goods or services;

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

7 (4) the extent to which the goods or services meet the  
8 district's needs;

9 (5) the vendor's past relationship with the district;

10 (6) the impact on the ability of the district to comply  
11 with laws and rules relating to historically underutilized  
12 businesses;

13 (7) the total long-term cost to the district to  
14 acquire the vendor's goods or services; and

15 (8) any other relevant factor specifically listed in  
16 the request for bids or proposals.

17 SECTION 4. Subchapter B, Chapter 44, Education Code, is  
18 amended by adding Section 44.0331 to read as follows:

19 Sec. 44.0331. MANAGEMENT FEES UNDER CERTAIN COOPERATIVE  
20 PURCHASING CONTRACTS. (a) A school district that enters into a  
21 purchasing contract valued at \$25,000 or more under Section  
22 44.031(a)(5), under Subchapter F, Chapter 271, Local Government  
23 Code, or under any other cooperative purchasing program authorized  
24 for school districts by law shall document any contract-related  
25 fee, including any management fee, and the purpose of each fee under  
26 the contract.

27 (b) The amount, purpose, and disposition of any fee

1 described by Subsection (a) must be presented in a written report  
2 and submitted annually in an open meeting of the board of trustees  
3 of the school district. The written report must appear as an agenda  
4 item.

5 (c) The commissioner may audit the written report described  
6 by Subsection (b).

7 SECTION 5. The change in law made by Section 44.031(b),  
8 Education Code, as amended by this Act, and Section 44.0331,  
9 Education Code, as added by this Act, applies only to a contract  
10 entered into on or after the effective date of this Act. A contract  
11 entered into before the effective date of this Act is governed by  
12 the law in effect immediately before that date, and that law is  
13 continued in effect for that purpose.

14 SECTION 6. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2007.