

By: Shapleigh

S.B. No. 412

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of a preference in certain governmental
3 purchasing decisions for vendors or contractors that provide health
4 care benefits to employees.

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

6 SECTION 1. Section 44.031(b), Education Code, is amended to
7 read as follows:

8 (b) Except as provided by this subchapter, in determining to
9 whom to award a contract, the district may consider:

10 (1) the purchase price;

11 (2) the reputation of the vendor and of the vendor's
12 goods or services;

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

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

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

17 (6) the impact on the ability of the district to comply
18 with laws and rules relating to historically underutilized
19 businesses;

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

22 (8) whether the vendor provides health care benefits
23 to employees; and

24 (9) any other relevant factor specifically listed in

1 the request for bids or proposals.

2 SECTION 2. Subchapter B, Chapter 44, Education Code, is
3 amended by adding Section 44.0421 to read as follows:

4 Sec. 44.0421. PREFERENCE FOR VENDORS THAT PROVIDE HEALTH
5 CARE BENEFITS. (a) Except as provided by Subsection (b), a school
6 district procuring goods or services shall give preference to goods
7 or services of a vendor that demonstrates that the vendor provides
8 health care benefits to the vendor's employees if:

9 (1) the goods or services meet district specifications
10 regarding quantity and quality; and

11 (2) the cost of the goods or services does not exceed
12 the cost of similar goods or services produced by a vendor that does
13 not demonstrate that the vendor provides health care benefits to
14 the vendor's employees.

15 (b) A school district may not give preference under
16 Subsection (a) to a vendor that provides health care benefits to its
17 employees over a vendor with 50 or fewer employees that does not
18 provide health care benefits to its employees.

19 SECTION 3. Section 2155.074(b), Government Code, is amended
20 to read as follows:

21 (b) In determining the best value for the state, the
22 purchase price and whether the goods or services meet
23 specifications are the most important considerations. However, the
24 commission or other state agency may, subject to Subsection (c) and
25 Section 2155.075, consider other relevant factors, including:

26 (1) installation costs;

27 (2) life cycle costs;

1 (3) the quality and reliability of the goods and
2 services;

3 (4) the delivery terms;

4 (5) indicators of probable vendor performance under
5 the contract such as past vendor performance, the vendor's
6 financial resources and ability to perform, the vendor's experience
7 or demonstrated capability and responsibility, and the vendor's
8 ability to provide reliable maintenance agreements and support;

9 (6) the cost of any employee training associated with
10 a purchase;

11 (7) the effect of a purchase on agency productivity;

12 (8) the vendor's anticipated economic impact to the
13 state or a subdivision of the state, including potential tax
14 revenue and employment;

15 (9) whether the vendor provides health care benefits
16 to employees; and

17 (10) [~~9~~] other factors relevant to determining the
18 best value for the state in the context of a particular purchase.

19 SECTION 4. Subchapter H, Chapter 2155, Government Code, is
20 amended by adding Section 2155.452 to read as follows:

21 Sec. 2155.452. PREFERENCE FOR VENDORS THAT PROVIDE HEALTH
22 CARE BENEFITS. (a) Except as provided by Subsection (b), the
23 commission and all state agencies procuring goods or services shall
24 give preference to goods or services of a vendor that demonstrates
25 that the vendor provides health care benefits to the vendor's
26 employees if:

27 (1) the goods or services meet state specifications

1 regarding quantity and quality; and

2 (2) the cost of the goods or services does not exceed
3 the cost of other similar goods or services produced by a vendor
4 that does not demonstrate that the vendor provides health care
5 benefits to the vendor's employees.

6 (b) The commission or a state agency may not give preference
7 under Subsection (a) to a vendor that provides health care benefits
8 to its employees over a vendor with 50 or fewer employees that does
9 not provide health care benefits to its employees.

10 SECTION 5. Section 44.0421, Education Code, and Section
11 2155.452, Government Code, as added by this Act, apply only to a
12 contract for the procurement of goods and services for which the
13 solicitation of bids or proposals, request for proposals, or
14 similar request for offers to provide the goods or services is first
15 published on or after September 1, 2007. A contract for the
16 procurement of goods and services for which the solicitation of
17 bids or proposals, request for proposals, or similar request for
18 offers to provide the goods or services is first published before
19 September 1, 2007, is governed by the law in effect at the time the
20 solicitation or request is published, and that law is continued in
21 effect for that purpose.

22 SECTION 6. This Act takes effect September 1, 2007.