

BILL ANALYSIS

C.S.H.B. 2233
By: Huberty
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that, currently, when a school district contracts with an entity to provide food services, the food service contractor is not required to abide by certain competitive purchasing methods in purchasing food items or seeking additional contracts. C.S.H.B. 2233 seeks to ensure that school districts receive the greatest possible savings while maintaining compliance with defined quality specifications by requiring such contractors to field competitive bids for the food items they procure.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2233 amends the Education Code to require a school district contract to which certain purchasing contract requirements apply and under which the district contracts with another entity for that entity to manage or otherwise provide food services at one or more district schools to require that any other contract the entity makes in performance of its duties under the district contract, and to which those district purchasing requirements would apply if the district were making the contract, be made as follows: under the purchasing method that provides the best value to the entity and the district; when determining to whom to award the contract, with consideration of the factors specified in law for a district, including, as applicable, a district that has its central administrative office located in a municipality with a population of less than 250,000; and in accordance with notice publication requirements for the time by when and place where bids or proposals, or the responses to a request for qualifications, will be received and opened.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2233 differs from the original by requiring a school district contract to which certain purchasing contract requirements apply and under which the district contracts with another entity for that entity to manage or otherwise provide food services at one or more district schools to require that any other contract the entity makes in performance of its duties under the district contract, and to which those district purchasing requirements would apply if the district were making the contract, be made, in determining to whom to award the contract, with consideration of all of the factors specified in law for a district, including, as applicable, a district that has its central administrative office located in a municipality with a population of less than 250,000; whereas the original requires that such a contract be made with consideration of the purchase price, the reputation of the vendor and of the vendor's goods or services, the quality of the

vendor's goods or services, and the extent to which the goods or services meet the district's needs.