

By: Galindo, Fallon

H.B. No. 1486

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a prohibition on a vendor contact with a member of the
3 board of trustees of certain independent school districts during
4 the procurement process.

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

6 SECTION 1. Subchapter B, Chapter 44, Education Code, is
7 amended by adding Section 44.0353 to read as follows:

8 Sec. 44.0353. VENDOR CONTACT PROHIBITED. (a) This section
9 applies only to an independent school district:

10 (1) any part of which is located in a county with a
11 population of more than 1.5 million in which more than 75 percent of
12 the population lives in a single municipality; and

13 (2) that has been a party to one or more causes of
14 action involving a dispute over a vendor contract within the years
15 2000-2014.

16 (b) A member of the board of trustees of an independent
17 school district to which this section applies may not, outside a
18 public meeting of the board, have direct or indirect communication
19 with an actual or prospective bidder or offeror relating to a
20 request for proposals or an advertisement for bids during the
21 period:

22 (1) after the district has issued the request for
23 proposals or has advertised for bids on a contract; and

24 (2) before the board has awarded the contract that was

1 the subject of the request for proposals or the advertisement for
2 bids.

3 (c) If a trustee violates Subsection (b) by engaging in
4 direct or indirect communication with a bidder or offeror, the
5 board shall reject the bid or offer of the bidder or offeror.

6 (d) Notwithstanding Subsection (b), a trustee may have
7 direct or indirect communication with an actual or prospective
8 bidder or offeror if:

9 (1) the trustee has a substantial interest, as
10 determined under Section 171.002, Local Government Code, in a
11 business entity or in real property and complies with the
12 requirements of Chapter 171, Local Government Code, if applicable,
13 and:

14 (A) the business entity is an actual or
15 prospective bidder or offeror responding to the school district's
16 request for proposals or advertisement for bids and the
17 communication relates to the business entity's response; or

18 (B) the real property is offered in response to
19 the school district's request for proposals or advertisement for
20 bids and the communication relates to the real property; or

21 (2) the communication occurs at a trade show or
22 convention at which the bidder or offeror was a registered
23 participant and the trustee discloses at a public meeting of the
24 board that the communication occurred, before the earlier of:

25 (A) one week after the date the communication
26 occurred; or

27 (B) the date on which the board votes on the

1 request for proposals or advertisement for bids for which the
2 bidder or offeror submitted a proposal or bid.

3 SECTION 2. Section 44.0353, Education Code, as added by
4 this Act, applies only to a contract for which the request for
5 proposals or bids was issued on or after the effective date of this
6 Act.

7 SECTION 3. This Act takes effect September 1, 2015.