

By: Galindo

H.B. No. 1486

Substitute the following for H.B. No. 1486:

By: Aycock

C.S.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 any part of which is
10 located in a county with a population of more than 1.5 million in
11 which more than 75 percent of the population lives in a single
12 municipality.

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

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

21 (2) before the board has awarded the contract that was
22 the subject of the request for proposals or the advertisement for
23 bids.

24 (c) If a trustee violates Subsection (b) by engaging in

1 direct or indirect communication with a bidder or offeror, the
2 board shall reject the bid or offer of the bidder or offeror.

3 (d) Notwithstanding Subsection (b), a trustee may have
4 direct or indirect communication with an actual or prospective
5 bidder or offeror if:

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

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

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

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

22 (A) one week after the date the communication
23 occurred; or

24 (B) the date on which the board votes on the
25 request for proposals or advertisement for bids for which the
26 bidder or offeror submitted a proposal or bid.

27 SECTION 2. Section 44.0353, Education Code, as added by

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1 this Act, applies only to a contract for which the request for
2 proposals or bids was issued on or after the effective date of this
3 Act.

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