

Amend CSHB 3 (senate committee report) as follows:

(1) In ARTICLE 2 of the bill, add the following appropriately numbered SECTIONS to that article and renumber SECTIONS of that article accordingly:

SECTION 2.____. Section 12.1053, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), an open-enrollment charter school's charter may not provide for procedures that conflict with Section 44.0315.

SECTION 2.____. Section 44.0311, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (c) and (d), this subchapter applies to junior college districts.

(d) Section 44.0315 does not apply to a junior college district.

SECTION 2.____. Subchapter B, Chapter 44, Education Code, is amended by adding Section 44.0315 to read as follows:

Sec. 44.0315. PROHIBITED SOLICITATION RESPONSES AND CONTRACTS. (a) In this section, "solicitation response" includes a bid, proposal, offer, or qualification.

(b) A vendor may not submit a solicitation response for a solicitation for goods or services by a school district or open-enrollment charter school or enter into a contract resulting from the solicitation response if the vendor was compensated for participating in preparing the scope of or specifications for the solicitation.

(c) A school district or open-enrollment charter school that determines that a vendor violated Subsection (b):

(1) may immediately terminate any contract that resulted from the solicitation response and withhold payment to the vendor under the contract without further obligation to the vendor; and

(2) may not accept another solicitation response from or award any contract to the vendor before the first anniversary of:

(A) the date the vendor submitted the solicitation response; or

(B) if the vendor executed a contract with the district or school resulting from the solicitation response, the date the vendor executed the contract.

(d) A vendor solicitation response to a solicitation described by Subsection (b) must include the following statement:

"Under Section 44.0315, Education Code, the vendor certifies that the vendor was not compensated for participating in preparing the scope of or specifications for the solicitation on which this response is based. The vendor acknowledges that if this certification is inaccurate the soliciting entity:

"(1) may terminate any contract resulting from the solicitation response and withhold payment to the vendor without further obligation to the vendor; and

"(2) may not accept another solicitation response from or award any contract to the vendor before the first anniversary of:

"(A) the date the vendor submitted this solicitation response; or

"(B) if the vendor executed a contract with the district or school resulting from this solicitation response, the date the vendor executed the contract."

(e) A vendor contract resulting from a solicitation response to a solicitation described by Subsection (b) must include the following statement:

"Under Section 44.0315, Education Code, the vendor certifies that the vendor was not compensated for participating in preparing the scope of or specifications for the solicitation on which this contract is based. The vendor acknowledges that if this certification is inaccurate the soliciting entity:

"(1) may terminate this contract and withhold payment to the vendor without further obligation to the vendor; and

"(2) may not accept another solicitation response from or award another contract to the vendor until the first anniversary of the date on which the vendor executed this contract."

(f) This section does not create a cause of action to contest the acceptance of a solicitation response or the award of a contract by a school district or open-enrollment charter school.

(g) This section does not prohibit the exchange of

information between a vendor and a school district or open-enrollment charter school to monitor an existing contract with the district or school.

(2) In ARTICLE 6 of the bill, add the following appropriately numbered SECTION to that article and renumber SECTIONS of that article accordingly:

SECTION 6.____. (a) Sections 12.1053(a-1) and 44.0315, Education Code, as added by this Act, and Section 44.0311, Education Code, as amended by this Act, apply only to a solicitation for which a school district or open-enrollment charter school first advertises or otherwise solicits bids, proposals, offers, qualifications, or similar responses on or after September 1, 2019.

(b) A solicitation for which a school district or open-enrollment charter school first advertised or otherwise solicited bids, proposals, offers, qualifications, or similar responses before September 1, 2019, is governed by the law in effect when the first advertisement or solicitation was given, and the former law is continued in effect for that purpose.