

By: VanDeaver

H.B. No. 1556

A BILL TO BE ENTITLED

AN ACT

relating to school district purchasing of and contracting for goods and services.

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

SECTION 1. Section 44.031, Education Code, is amended by amending Subsections (a) and (j) and adding Subsection (a-1) to read as follows:

(a) Except as provided by this subchapter, all ~~[school]~~ district purchases of or contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more that are made by or entered into by a school district with an enrollment of 10,000 or more students ~~[in the aggregate for each 12-month period]~~ shall be made by the method, of the following methods, that provides the best value for the district:

(1) competitive bidding for goods or services other than construction services;

(2) competitive sealed proposals for goods or services other than construction services;

(3) a request for proposals, for goods or services other than construction services;

(4) an interlocal contract;

(5) a method provided by Chapter 2269, Government Code, for construction services;

1 (6) the reverse auction procedure as defined by  
2 Section 2155.062(d), Government Code; or

3 (7) the formation of a political subdivision  
4 corporation under Section 304.001, Local Government Code.

5 (a-1) Except as provided by this subchapter, all purchases  
6 of or contracts for the purchase of goods and services, except  
7 contracts for the purchase of produce or vehicle fuel, valued at  
8 \$25,000 or more that are made by or entered into by a school  
9 district with an enrollment of fewer than 10,000 students shall be  
10 made by the method, of the methods described by Subsection (a), that  
11 provides the best value for the district.

12 (j) Without complying with Subsection (a), a school  
13 district may purchase an item or service that is available from only  
14 one source, including:

15 (1) an item for which competition is precluded because  
16 of the existence of a patent, copyright, secret process, or  
17 monopoly;

18 (2) a film, manuscript, or book;

19 (3) a utility service, including electricity, gas, or  
20 water; ~~and~~

21 (4) a captive replacement part or component for  
22 equipment;

23 (5) a proprietary maintenance service; and

24 (6) any other such item or service as provided by  
25 commissioner rule.

26 SECTION 2. Section 44.0331(a), Education Code, is amended  
27 to read as follows:

1           (a) A school district that enters into a purchasing contract  
2 ~~[valued at \$25,000 or more]~~ under Section 44.031(a)(4)  
3 ~~[44.031(a)(5)]~~, under Subchapter F, Chapter 271, Local Government  
4 Code, or under any other cooperative purchasing program authorized  
5 for school districts by law shall document any contract-related fee  
6 paid by the district, including any management fee, and the purpose  
7 of each fee under the contract.

8           SECTION 3. Section 44.0352(c), Education Code, is amended  
9 to read as follows:

10           (c) The district shall receive, publicly open, and read  
11 aloud the names of the offerors and, if any are required to be  
12 stated, all prices stated in each proposal. The ~~[Not later than the~~  
13 ~~45th day after the date on which the proposals are opened, the]~~  
14 district shall evaluate and rank each proposal submitted in  
15 relation to the published selection criteria.

16           SECTION 4. Sections 44.031(k), (l), and (m), Education  
17 Code, are repealed.

18           SECTION 5. (a) The changes in law made by this Act apply  
19 only to a solicitation for which a school district first advertises  
20 or otherwise solicits bids, proposals, offers, qualifications, or  
21 similar responses on or after the effective date of this Act.

22           (b) A solicitation for which a school district first  
23 advertised or otherwise solicited bids, proposals, offers,  
24 qualifications, or similar responses before the effective date of  
25 this Act is governed by the law in effect when the first  
26 advertisement or solicitation was given, and the former law is  
27 continued in effect for that purpose.

1       SECTION 6.   This Act takes effect September 1, 2019.