

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. Sections 44.031(a) and (j), Education Code, are amended 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 [~~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;

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

(7) the formation of a political subdivision

corporation under Section 304.001, Local Government Code.

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

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

(2) a film, manuscript, or book;

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

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

(5) a proprietary maintenance service; and

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

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

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

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

(c) The district shall receive, publicly open, and read

1 aloud the names of the offerors and, if any are required to be
2 stated, all prices stated in each proposal. The ~~[Not later than the~~
3 ~~45th day after the date on which the proposals are opened, the]~~
4 district shall evaluate and rank each proposal submitted in
5 relation to the published selection criteria.

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7 Code, are repealed.

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

12 (b) A solicitation for which a school district first
13 advertised or otherwise solicited bids, proposals, offers,
14 qualifications, or similar responses before the effective date of
15 this Act is governed by the law in effect when the first
16 advertisement or solicitation was given, and the former law is
17 continued in effect for that purpose.

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