

By: Campos

H.B. No. 2122

A BILL TO BE ENTITLED

1 AN ACT
2 relating to purchasing standards for state agencies and
3 institutions of higher education, including standards for
4 contracting with historically underutilized businesses.

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

6 SECTION 1. Section 2155.074(b), Government Code, is amended
7 to read as follows:

8 (b) In determining the best value for the state, the
9 purchase price and whether the goods or services meet
10 specifications are the most important considerations. However, the
11 comptroller or other state agency may, subject to Subsection (c)
12 and Section 2155.075, consider other relevant factors, including:

13 (1) installation costs;
14 (2) life cycle costs;
15 (3) the quality and reliability of the goods and
16 services;

17 (4) the delivery terms;
18 (5) indicators of probable vendor performance under
19 the contract such as past vendor performance, the vendor's
20 financial resources and ability to perform, the vendor's experience
21 or demonstrated capability and responsibility, and the vendor's
22 ability to provide reliable maintenance agreements and support;

23 (6) the cost of any employee training associated with
24 a purchase;

1 (7) the effect of a purchase on agency productivity;

2 (8) the vendor's anticipated economic impact to the
3 state or a subdivision of the state, including potential tax
4 revenue and employment; ~~and~~

5 (9) any effort beyond the minimally required good
6 faith effort to include historically underutilized businesses in
7 the contract; and

8 (10) other factors relevant to determining the best
9 value for the state in the context of a particular purchase.

10 SECTION 2. Section 2161.065, Government Code, is amended by
11 adding Subsection (c) to read as follows:

12 (c) Participation in the program may be used as a component
13 of an outreach plan to promote inclusivity of historically
14 underutilized businesses beyond the minimally required good faith
15 effort.

16 SECTION 3. Section 51.9335(b), Education Code, is amended
17 to read as follows:

18 (b) In determining what is the best value to an institution
19 of higher education, the institution shall consider:

20 (1) the purchase price;

21 (2) the reputation of the vendor and of the vendor's
22 goods or services;

23 (3) the quality of the vendor's goods or services;

24 (4) the extent to which the goods or services meet the
25 institution's needs;

26 (5) ~~the vendor's past relationship with the~~
27 ~~institution;~~

1 [~~(6)~~] the impact on the ability of the institution to
2 comply with laws and rules relating to historically underutilized
3 businesses and to the procurement of goods and services from
4 persons with disabilities;

5 (6) any effort beyond the minimally required good
6 faith effort to include historically underutilized businesses in
7 the contract;

8 (7) the total long-term cost to the institution of
9 acquiring the vendor's goods or services;

10 (8) any other relevant factor that a private business
11 entity would consider in selecting a vendor; and

12 (9) the use of material in construction or repair to
13 real property that is not proprietary to a single vendor unless the
14 institution provides written justification in the request for bids
15 for use of the unique material specified.

16 SECTION 4. This Act takes effect September 1, 2021.