

Amend CSHB 2389 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

(b-1) The comptroller or other state agency may, subject to Subsection (c) and Section 2155.075, consider the following relevant factors under Subsection (b), including:

- (1) installation costs;
- (2) life cycle costs;
- (3) the quality and reliability of the goods and services;
- (4) the delivery terms;
- (5) indicators of probable vendor performance under the contract such as past vendor performance, the vendor's financial resources and ability to perform, the vendor's experience or demonstrated capability and responsibility, and the vendor's ability to provide reliable maintenance agreements and support;
- (6) the cost of any employee training associated with a purchase;
- (7) the effect of a purchase on agency productivity;
- (8) the vendor's anticipated economic impact to the state or a subdivision of the state, including potential tax revenue and employment;
- (9) the impact of a purchase on the agency's administrative resources; ~~and~~
- (10) whether the vendor is an employee-owned company, as defined by Section 271.909, Local Government Code, that is incorporated or headquartered in this state; and
- (11) other factors relevant to determining the best value for the state in the context of a particular purchase.

SECTION _____. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.909 to read as follows:

Sec. 271.909. CONSIDERATION OF TEXAS EMPLOYEE-OWNED COMPANIES. (a) In this section:

(1) "Employee-owned company" means a corporation for which a majority of the stock is held by an employee stock ownership

plan, as defined by Section 4975(e) of the Internal Revenue Code of 1986 (26 U.S.C. Section 4975(e)).

(2) "Governmental entity" means a municipality, county, or special district.

(b) A governmental entity may consider as a relevant factor in scoring a vendor who is responding to a procurement solicitation for goods or services whether the vendor is an employee-owned company incorporated or headquartered in this state.