



Input Regarding HB 273

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HB 273 by Truitt – 80th Session of the Texas Legislature (Comments related to Engrossed Version of Bill)

Line 2 on page 2 – Changing the word may to shall

Use of the word “shall” is restrictive to only the evaluation criteria set forth in the bill and does not appear to allow districts to use other criteria developed by the individual district. In some instances, school districts use criteria such as declaration of a conflict, as required under Local Government Code 176, as a negative criterion that may disqualify a vendor from consideration. Would this bill prevent use of this type of criteria?

Lines 4 and 5 on page 2 - the reputation of the vendor and of the vendor's goods or services

School districts have been advised to be VERY careful how they share information regarding the negative performance of vendors. Districts are cautious about sharing negative experiences unless they are shared "off the record." In not awarding a contract due to poor performance it would be necessary to identify the source of the information which could be a liability for the district if the information related to poor performance.

Line 9 on page 2 – the vendor’s past relationship with the district

Requiring use of the vendor’s past relationship with the district may be a detriment to a new vendor attempting to provide goods or services to the district through a competitive process, but continually scoring low on this criterion. Vendors may view this requirement as inequitable.

Lines 10, 11, and 12 on page 2 – Historically Underutilized Businesses

Some districts do not have HUB programs, and many would argue that such programs are not needed in their communities. Requiring such programs will create an extra administrative burden that may increase costs. Will this require all districts to implement HUB programs?

Lines 3 through 16 on page 2 – Use of all criteria listed

Current statutory provisions allow local school districts to use the criteria most appropriate for the particular purchase and for the communities they serve. Requiring every award to be based on all of the criteria listed will significantly increase the administrative burden associated with purchasing goods and services.

Lines 19 through 24 on page 2 – Written report to the Board of Trustees

Is a separate report required or can this report be included as the original purchase is reported? If it is a separate item, this means that the information would be included on the Board agenda twice and would add one more item to be tracked and reported to the Board of Trustees.