

CHAPTER 750

S.B. No. 493

AN ACT

relating to purchases of property through competitive bids and other means by school districts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsections (a), (b), and (h), Section 21.901, Education Code, are amended to read as follows:

(a) Except as provided in this section, all contracts proposed to be made by any Texas public school board for the purchase of any personal property, *except produce or vehicle fuel*, shall be submitted to competitive bidding *for each 12-month period* when said property is valued at \$25,000 [~~\$10,000~~] or more, *in the aggregate for each 12-month period*.

(b) Except as provided in Subsection (e) of this section, all contracts proposed to be made by any Texas public school board for the construction, maintenance, repair or renovation of any building [~~or for materials used in said construction, maintenance, repair or renovation,~~] shall be submitted to competitive bidding when said contracts are valued at \$10,000 or more. In this section, maintenance includes supervision of custodial, plant operations, maintenance, and ground services personnel.

(h) *Each* [~~Whenever possible, each~~] contract proposed to be made by any Texas public school board for the lease of one or more school buses, including a lease with an option to purchase, shall be submitted to competitive bidding when the contract is valued at \$10,000 or more.

SECTION 2. Subchapter Z, Chapter 21, Education Code, is amended by adding Section 21.9013 to read as follows:

Sec. 21.9013. PURCHASES OF PERSONAL PROPERTY VALUED BETWEEN \$10,000 AND \$25,000. (a) A school district shall purchase personal property as provided by this section if the value of the items is at least \$10,000 but less than \$25,000, in the aggregate, for a 12-month period. In the alternative, the school district may elect to submit a contract for the purchase of those items to competitive bidding as provided by Section 21.901 of this code.

(b) For each 12-month period, the district shall publish a notice in two successive issues of any newspaper of general circulation in the county in which the school is located. If there is no newspaper in the county in which the school is located, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the school is located, specifying the categories of personal property to be purchased under this section and soliciting the names, addresses, and telephone numbers of vendors that are interested in supplying any of the categories to the district. For each category, the district shall create a vendor list consisting of each vendor that responds to the published notice and any additional vendors the district elects to include.

(c) Before the district makes a purchase from a category of personal property, the district must obtain written or telephone price quotations from at least three vendors from the list for that category. If fewer than three vendors are on the list, the district shall contact each vendor on the list. Whenever possible, telephone quotes should be confirmed in writing by mail or facsimile. The bidding records must be retained with the school's competitive bidding records and are subject to audit. The purchase shall be made from the lowest responsible bidder.

(d) Purchases of produce and fuel shall be made in accordance with this section.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 22, 1993, by a viva-voce vote; passed the House on May 21, 1993, by a non-record vote.

Approved June 17, 1993.

Effective Sept. 1, 1993.