

BILL ANALYSIS

Senate Research Center
77R5562 JSA-D

S.B. 641
By: Duncan
Education
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As Filed

DIGEST AND PURPOSE

Currently, institutions of higher education, with the exception of medical and dental units, are required to follow General Services Commission (GSC) rules when purchasing goods and services. This adds more time to the procurement process. As proposed, S.B. 641 exempts institutions of higher education from GSC rules and gives them the same authority as medical and dental units to purchase goods and services using the best value method.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 51.9335(a)-(e), Education Code, to authorize an institution of higher education, rather than a medical and dental unit, to acquire goods or services by the method that provides the best value to the institution, rather than unit. Provides that to the extent of any conflict, this section prevails over any other law, including Chapter 2155 (Purchasing: General Rules and Procedures), Chapter 2156 (Purchasing Methods), Chapter 2157 (Purchasing: Purchase of Automated Information Systems), Chapter 2158 (Purchasing: Miscellaneous Provisions for Purchase of Certain Goods and Services), and Chapter 2170 (Telecommunications Services), Government Code, except a law or rule relating to contracting with historically underutilized businesses. Provides that institution of higher education is authorized to, but is not required to, acquire goods or services as provided by Chapters 2155-2158 and 2170, Government Code. Makes conforming changes.

SECTION 2. Amends Chapter 497B, Government Code, by adding Section 497.0211, as follows:

Sec. 497.0211. Provides that this subchapter does not apply to an institution of higher education, as defined by Section 61.003, Education Code.

SECTION 3. Amends Section 2155.067(b), Government Code, by deleting text regarding an institution's purchasing officer signing the written justification.

SECTION 4. Amends Section 2155.268(a), Government Code, by deleting text regarding a master bidders list.

SECTION 5. Repealers: Section 2155.133 (Delegating of Authority to Institution of Higher Education), Government Code.

Repealer: Section 2155.134 (Group Purchasing Program), Government Code.

Repealer: Section 2155.135 (Purchases from Higher Education Research Funds), Government Code.

SECTION 6. Effective date: upon passage or September 1, 2001.