

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL NO. 438

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “draft” insert “certain”; strike beginning with the second “to” in line 3 down through “competition” in line 4; and strike beginning with “and” in line 5 down through “systems” in line 7 and substitute “requiring that brand name specifications allow substitution of equivalent products except in certain circumstances”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 15 and substitute:

“(2) (I) THE COUNTY BOARD SHALL DRAFT SPECIFICATIONS THAT PROVIDE A CLEAR AND ACCURATE DESCRIPTION OF THE FUNCTIONAL CHARACTERISTICS OR THE NATURE OF AN ITEM TO BE PROCURED, WITHOUT MODIFYING THE COUNTY BOARD’S REQUIREMENTS.

(II) THE SPECIFICATIONS MAY:

1. INCLUDE A STATEMENT OF ANY OF THE COUNTY BOARD’S REQUIREMENTS; AND

2. PROVIDE FOR THE SUBMISSION OF SAMPLES, INSPECTION, OR TESTING OF THE ITEM BEFORE PROCUREMENT.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS SUBSECTION, SPECIFICATIONS THAT USE ONE OR MORE MANUFACTURER’S PRODUCT TO DESCRIBE THE STANDARD OF QUALITY, PERFORMANCE, OR OTHER CHARACTERISTICS NEEDED TO MEET THE COUNTY BOARD’S REQUIREMENTS, MUST ALLOW FOR THE SUBMISSION OF EQUIVALENT PRODUCTS.

(Over)

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY IF THE COUNTY BOARD DETERMINES IN THE WRITTEN SPECIFICATION THAT:

1. A PARTICULAR MANUFACTURER'S PRODUCT IS REQUIRED TO MAINTAIN COMPATIBILITY OF SERVICE OR EQUIPMENT;

2. A PARTICULAR MANUFACTURER'S PRODUCT IS REQUIRED TO MEET THE HEALTH NEEDS OF STUDENTS;

3. REPLACEMENT PARTS OR MAINTENANCE ARE A PARAMOUNT CONSIDERATION; OR

4. A PRODUCT IS PURCHASED FOR RESALE."