

By: Blanco, Zaffirini

S.B. No. 538

A BILL TO BE ENTITLED

1 AN ACT
2 relating to information technology purchased through the
3 Department of Information Resources.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 2157.068(a) and (e-3), Government Code,
6 are amended to read as follows:

7 (a) In this section, "commodity items" means commercial
8 software, hardware, or technology services, other than
9 telecommunications services, that are generally available to
10 businesses or the public and for which the department determines
11 that a reasonable demand exists from [~~in~~] two or more customers,
12 including state agencies and political subdivisions of this state,
13 entities described by Subsection (j), and governmental entities of
14 another state, that purchase the items through the department. The
15 term includes seat management, through which a customer [~~state~~
16 ~~agency~~] transfers its personal computer equipment and service
17 responsibilities to a private vendor to manage the personal
18 computing needs for each desktop of the customer [~~in the state~~
19 ~~agency~~], including all necessary hardware, software, and support
20 services.

21 (e-3) The procedural requirements of Subsection (e-1) and
22 the limitation prescribed by Subsection (e-2) do not apply to a
23 state agency's purchase of commodity items under a department
24 contract for the bulk purchase of commodity items intended for use

1 by more than one customer [~~state agency~~].

2 SECTION 2. Section [2157.182](#), Government Code, is amended to
3 read as follows:

4 Sec. 2157.182. VALIDITY OF PREAPPROVED TERMS AND
5 CONDITIONS; RENEGOTIATION. (a) Preapproved terms and conditions
6 to which a vendor, the comptroller, and the department agree are
7 valid for the duration of the initial contract [~~two years after the~~
8 ~~date of the agreement~~] and must include a provision authorizing the
9 department to renegotiate [~~provide that~~] the terms and conditions
10 at any time before the contract expires [~~are to be renegotiated~~
11 ~~before the end of the two years~~].

12 (b) The comptroller and the department jointly shall
13 establish procedures to ensure that terms and conditions may be
14 [~~are~~] renegotiated before they expire in a contract between the
15 vendor and a state agency.

16 SECTION 3. Section [2157.182](#), Government Code, as amended by
17 this Act, applies only to a contract executed on or after the
18 effective date of this Act. A contract executed before the
19 effective date of this Act is governed by the law as it existed
20 immediately before that date, and that law is continued in effect
21 for that purpose.

22 SECTION 4. This Act takes effect September 1, 2021.