

## **BILL ANALYSIS**

H.B. 2873  
By: Harper-Brown  
Government Efficiency & Reform  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The comptroller of public accounts distilled statutory and administrative contracting requirements into a single 214-page publication called the State of Texas Contract Management Guide. This guide provides a step-by-step roadmap for state agencies to follow in procuring and contracting for services. The guide is widely considered to be thorough, leaving no topic uncovered and no provision unaddressed. State agencies are statutorily required to adhere to the guide's contents and the State Auditor's Office is required to periodically monitor for compliance with the guide. Therefore, state agencies may tend to default to meeting all possible requirements of the procurement and contracting process as set out in the guide.

Interested parties assert that the guide's bias in favor of thoroughness and compliance causes inefficiency in processing minor or low-risk contracts, diverting time and attention from major solicitations and contracts. On the whole, the parties believe this negatively impacts the pursuit of best value or, in other words, the guarantee that the state gets the best service it can for a fair price considering short-term and long-term impact, the quality of goods and services purchased, and the ability of a provider to deliver on time and under the terms of a contract.

H.B. 2873 seeks to provide an efficient process for handling low-risk state contracts.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2873 amends the Government Code to require the contract advisory team to identify the types of procurements that pose a low risk of loss to the state and to develop a model contract management process for use with those procurements. The bill requires the contract management guide used by state agencies to include the model contract management process developed under the bill's provisions as well as recommendations on the appropriate use of the model.

### **EFFECTIVE DATE**

September 1, 2013.