

By: Harper-Brown

H.B. No. 2335

A BILL TO BE ENTITLED

1 AN ACT

2 relating to state contracting issues, including the duties of the
3 comptroller, quality assurance team, and Contract Advisory Team.

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

5 SECTION 1. Section 2054.158, Government Code, is amended to
6 read as follows:

7 Sec. 2054.158. QUALITY ASSURANCE TEAM; DUTIES. (a) The
8 state auditor, Legislative Budget Board, and department shall:

9 (1) create a quality assurance team to perform the
10 duties specified in this chapter and other law; and

11 (2) specify in writing the responsibilities of the
12 state auditor, Legislative Budget Board, and department in
13 performing the duties.

14 (b) The quality assurance team shall:

15 (1) develop and recommend policies and procedures to
16 improve state agency contract management practices;

17 (2) develop and recommend procedures to improve
18 value-based decision making in state agency contracting practices;
19 and

20 (3) monitor state agencies to determine whether the
21 agencies are meeting the needs of the persons to whom the agencies
22 provide services.

23 SECTION 2. Subchapter B, Chapter 2155, Government Code, is
24 amended by adding Sections 2155.088 and 2155.089 to read as

1 follows:

2 Sec. 2155.088. REPORTING VENDOR PERFORMANCE. (a) After a
3 contract is completed or otherwise terminated, each state agency
4 shall review the vendor's performance under the contract.

5 (b) The state agency shall report to the comptroller, using
6 the tracking system described by Section 2155.089, on the results
7 of the review regarding a vendor's performance under a contract.

8 Sec. 2155.089. VENDOR PERFORMANCE TRACKING SYSTEM. (a)
9 The comptroller shall evaluate a vendor's performance based on the
10 information reported under Section 2155.088 and criteria
11 established by the comptroller.

12 (b) The comptroller shall establish an evaluation process
13 that allows vendors who receive an unfavorable performance review
14 to protest any classification given by the comptroller.

15 (c) The comptroller shall include the performance reviews
16 in a vendor performance tracking system.

17 (d) A state agency shall use the vendor performance tracking
18 system to determine whether to award a contract to a vendor reviewed
19 in the database.

20 (e) The comptroller shall make the vendor performance
21 tracking system accessible to the public on the comptroller's
22 Internet website.

23 SECTION 3. Section 2155.132(e), Government Code, is amended
24 to read as follows:

25 (e) Competitive bidding, whether formal or informal, is
26 required for a purchase by a state agency if the purchase:

27 (1) exceeds \$25,000 [~~\$5,000~~]; and

1 (2) is made under a written contract.

2 SECTION 4. Section 2262.051(d), Government Code, is amended
3 to read as follows:

4 (d) The guide must include model provisions for state agency
5 contracts. The guide must:

6 (1) distinguish between essential provisions that a
7 state agency must include in a contract to protect the interests of
8 this state and recommended provisions that a state agency may
9 include in a contract;

10 (2) recognize the unique contracting needs of an
11 individual state agency or program and provide sufficient
12 flexibility to accommodate those needs, consistent with protecting
13 the interests of this state; ~~and~~

14 (3) include maximum contract periods under which a new
15 competitive solicitation is not necessary; and

16 (4) include the model contract management process
17 developed under Section 2262.104 and recommendations on the
18 appropriate use of the model.

19 SECTION 5. Section 2262.101, Government Code, is amended to
20 read as follows:

21 Sec. 2262.101. CREATION; DUTIES. The Contract Advisory Team
22 is created to assist state agencies in improving contract
23 management practices by:

24 (1) reviewing the solicitation of major contracts by
25 state agencies;

26 (2) reviewing any findings or recommendations made by
27 the state auditor, including those made under Section 2262.052(b),

1 regarding a state agency's compliance with the contract management
2 guide; ~~and~~

3 (3) providing recommendations to the commission
4 regarding:

5 (A) the development of the contract management
6 guide; and

7 (B) the training under Section 2262.053;

8 (4) developing and recommending policies and
9 procedures to improve state agency contract management practices;

10 (5) developing and recommending procedures to improve
11 value-based decision making in state agency contracting practices;

12 and

13 (6) monitoring state agencies to determine whether the
14 agencies are meeting the needs of the persons to whom the agencies
15 provide services.

16 SECTION 6. Subchapter C, Chapter 2262, Government Code, is
17 amended by adding Section 2262.104 to read as follows:

18 Sec. 2262.104. LOW-RISK CONTRACTS. The Contract Advisory
19 Team shall identify the types of procurements that pose a low risk
20 of loss to the state and develop a model contract management process
21 for use with those procurements.

22 SECTION 7. The change in law made by this Act applies only
23 to a solicitation of bids or proposals or other similar expression
24 of interest made on or after the effective date of this Act. A
25 solicitation of bids or proposals or other similar expression of
26 interest made before the effective date of this Act is governed by
27 the law in effect on the date the solicitation or other similar

1 expression of interest is made, and the former law is continued in
2 effect for that purpose.

3 SECTION 8. This Act takes effect September 1, 2013.