

By: Callegari

H.B. No. 2852

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to state purchase of information technology commodity  
3 items.

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

5 SECTION 1. Section 2157.068, Government Code, is amended to  
6 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 in two or more state agencies. The  
12 term includes seat management, through which a state agency  
13 transfers its personal computer equipment and service  
14 responsibilities to a private vendor to manage the personal  
15 computing needs for each desktop in the state agency, including all  
16 necessary hardware, software, and support services.

17 (b) The department shall negotiate with vendors to obtain  
18 the best value for the state in the purchase of commodity items.  
19 The department may consider strategic sourcing and other  
20 methodologies to select the vendor offering the best value on  
21 commodity items. The terms and conditions of a license agreement  
22 between a vendor and the department under this section may not be  
23 less favorable to the state than the terms of similar license  
24 agreements between the vendor and retail distributors.

1 (c) In contracting for commodity items under this section,  
2 the department shall make good faith efforts to provide contracting  
3 opportunities for, and to increase contract awards to, historically  
4 underutilized businesses and persons with disabilities' products  
5 and services available under Chapter 122, Human Resources Code.

6 (d) The department may charge a reasonable administrative  
7 fee to a state agency, political subdivision of this state, or  
8 governmental entity of another state that purchases commodity items  
9 through the department in an amount that is sufficient to recover  
10 costs associated with the administration of this section. Revenue  
11 derived from the collection of fees imposed under this subsection  
12 may be appropriated to the department for:

13 (1) developing statewide information resources  
14 technology policies and planning under Chapters 2054 and 2059; and

15 (2) providing shared information resources technology  
16 services under Chapter 2054.

17 (e) The department shall compile and maintain a list of  
18 commodity items available for purchase through the department that  
19 have a lower price than the prices for commodity items otherwise  
20 available to state agencies under this chapter. The department  
21 shall make the list available on the world wide web or on a suitable  
22 successor to the world wide web if the technological developments  
23 involving the Internet make it advisable to do so.

24 ~~[(f) The department may adopt rules regulating a purchase by~~  
25 ~~a state agency of a commodity item under this section, including a~~  
26 ~~requirement that, notwithstanding other provisions of this~~  
27 ~~chapter, the agency must make the purchase in accordance with a~~

1 ~~contract developed by the department unless the agency obtains:~~

2 ~~[(1) an exemption from the department; or~~

3 ~~[(2) express prior approval from the Legislative~~  
4 ~~Budget Board for the expenditure necessary for the purchase.~~

5 ~~[(g) The Legislative Budget Board's approval of a biennial~~  
6 ~~operating plan under Section 2054.102 is not an express prior~~  
7 ~~approval for purposes of Subsection (f)(2). A state agency must~~  
8 ~~request an exemption from the department under Subsection (f)(1)~~  
9 ~~before seeking prior approval from the Legislative Budget Board~~  
10 ~~under Subsection (f)(2).]~~

11 ~~[(h)]~~ (f) The department shall, in cooperation with state  
12 agencies, establish guidelines for the classification of commodity  
13 items under this section. The department may determine when a  
14 statewide vendor solicitation for a commodity item will reduce  
15 purchase prices for a state agency.

16 ~~[(i) Unless the agency has express statutory authority to~~  
17 ~~employ a best value purchasing method other than a purchasing~~  
18 ~~method designated by the commission under Section 2157.006(a)(2), a~~  
19 ~~state agency shall use a purchasing method provided by Section~~  
20 ~~2157.006(a) when purchasing a commodity item if:~~

21 ~~[(1) the agency has obtained an exemption from the~~  
22 ~~department or approval from the Legislative Budget Board under~~  
23 ~~Subsection (f); or~~

24 ~~[(2) the agency is otherwise exempt from this~~  
25 ~~section.]~~

26 SECTION 2. This Act takes effect September 1, 2013.