

By: Uresti

S.B. No. 705

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the review of and notifications regarding certain state  
3 contracts.

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

5 SECTION 1. Section [2262.101](#), Government Code, as amended by  
6 Chapters 676 (H.B. 1965) and 1227 (S.B. 1681), Acts of the 83rd  
7 Legislature, Regular Session, 2013, is reenacted and amended to  
8 read as follows:

9 Sec. 2262.101. CREATION; DUTIES. (a) The Contract  
10 Advisory Team is created to assist state agencies in improving  
11 contract management practices by:

12 (1) reviewing and making recommendations on the  
13 solicitation documents and contract documents for contracts of  
14 state agencies that have a value of at least \$10 million;

15 (2) reviewing any findings or recommendations made by  
16 the state auditor, including those made under Section 2262.052(b),  
17 regarding a state agency's compliance with the contract management  
18 guide;

19 (3) providing recommendations to the comptroller  
20 regarding:

21 (A) the development of the contract management  
22 guide; and

23 (B) the training under Section 2262.053;

24 (4) providing recommendations and assistance to state

1 agency personnel throughout the contract management process;

2 (5) coordinating and consulting with the quality  
3 assurance team established under Section 2054.158 on all contracts  
4 relating to a major information resources project; ~~and~~

5 (6) ~~[(4)]~~ developing and recommending policies and  
6 procedures to improve state agency contract management practices;

7 (7) ~~[(5)]~~ developing and recommending procedures to  
8 improve state agency contracting practices by including  
9 consideration for best value; ~~and~~

10 (8) ~~[(6)]~~ creating and periodically performing a risk  
11 assessment to determine the appropriate level of management and  
12 oversight of contracts by state agencies; and

13 (9) after being notified by a state agency of a  
14 contract of the agency for which a change order, contract  
15 amendment, contract renewal or extension, or other action results  
16 in a change to the monetary value of the contract by more than 20  
17 percent, reviewing the change order, contract amendment, contract  
18 renewal or extension, or other action, as applicable, to:

19 (A) determine whether the action is justified  
20 considering the circumstances; and

21 (B) if the team determines the action is not  
22 justified, forwarding the contract to the comptroller for  
23 notification under Subsection (g).

24 (b) The risk assessment created and performed ~~[reviewed]~~  
25 under Subsection (a)(8) ~~[(a)(6)]~~ must include ~~[, but is not limited~~  
26 ~~to]~~ the following criteria:

27 (1) the amount of appropriations to the agency;

1           (2) total contract value as a percentage of  
2 appropriations to the agency; or

3           (3) the impact of the functions and duties of the state  
4 agency on the health, safety, and well-being of residents  
5 [~~citizens~~].

6           (c) The comptroller shall oversee the activities of the  
7 team, including ensuring that the team carries out its duties under  
8 Subsections [~~Subsection~~] (a)(5) and (a)(7).

9           (d) A state agency shall:

10           (1) comply with a recommendation made under Subsection  
11 (a)(1); or

12           (2) submit a written explanation regarding why the  
13 recommendation is not applicable to the contract under review.

14           (e) The team may review documents under Subsection (a)(1)  
15 only for compliance with contract management and best practices  
16 principles and may not make a recommendation regarding the purpose  
17 or subject of the contract.

18           (f) The team may develop an expedited process for reviewing  
19 solicitations under Subsection (a)(1) for contracts:

20           (1) that the team identifies as posing a low risk of  
21 loss to the state; or

22           (2) for which templates will be used more than once by  
23 a state agency.

24           (g) The comptroller shall, for each contract of a state  
25 agency forwarded under Subsection (a)(9), notify:

26           (1) the governing body of the agency or the single  
27 state officer who governs the agency;

1           (2) the Legislative Budget Board; and  
2           (3) each member of the senate and house of  
3 representatives.

4           SECTION 2. Section [2262.101](#), Government Code, as amended by  
5 this Act, applies only to a change order, contract amendment,  
6 contract renewal or extension, or other action made on or after the  
7 effective date of this Act.

8           SECTION 3. To the extent of any conflict, this Act prevails  
9 over another Act of the 84th Legislature, Regular Session, 2015,  
10 relating to nonsubstantive additions to and corrections in enacted  
11 codes.

12           SECTION 4. This Act takes effect September 1, 2015.