

## **BILL ANALYSIS**

S.B. 255  
By: Zaffirini  
Appropriations  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to interested parties, the comptroller of public accounts has indicated that current law does not allow the use of certain best practices in procurement training. S.B. 255 seeks to improve the training requirements for governmental entities and vendors.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 3 of this bill.

### **ANALYSIS**

S.B. 255 amends the Government Code to require a state agency that spends more than \$5,000 in a state fiscal year for a training or education program for any individual administrator or employee to submit to the Legislative Budget Board, not later than August 31 of that year, a report including a list of the administrators and employees participating in a training or education program, the amount spent on each administrator or employee, and the certification earned by each administrator or employee through the training or education program.

S.B. 255 transfers certain provisions relating to the training of governmental entities and vendors, including purchasing and contract management training, under the Information Resources Management Act, the State Purchasing and General Services Act, and statutory provisions relating to statewide contract management, as those provisions apply to a state agency as defined in those provisions, to the State Employees Training Act, as the act applies to a state agency defined in the act. The bill removes the requirement that the comptroller of public accounts set and collect a fee from state agencies that employ purchasing personnel in an amount that recovers the comptroller's costs with regard to the training and certification of state agency purchasing personnel and vendors, along with the authorization for the comptroller to provide training and continuing education in that context using its own personnel, through contracts with private entities, or by agreement with a public entity.

S.B. 255 instead requires the comptroller to develop training programs provided by the comptroller under the State Employees Training Act to meet the needs of state agencies. The bill requires a state agency to estimate each year the number of employees requiring purchasing or contract management training and report the anticipated training needs of the state agency to the comptroller in the manner and form prescribed by the comptroller. The bill requires the comptroller to assess on an annual basis the number of employees requiring purchasing or contract management training and to maintain a regular schedule of classes to accommodate that number. The bill authorizes the comptroller to use staff or contract with private or public entities,

including state agencies, to conduct the training and to assess a fee for a training program, including continuing education and certification, in an amount sufficient to recover the costs incurred by the comptroller to provide the training program under the State Employees Training Act.

S.B. 255 authorizes a state agency, in consultation with the comptroller, to develop agency-specific purchasing and contract management training programs to be administered by the agency to the agency's employees instead of or as a supplement to training programs developed by the comptroller under the State Employees Training Act. The bill establishes that an employee who participates in an agency-specific training program remains subject to any other applicable certification requirements established for training programs under the State Employees Training Act, including written or oral examinations administered by the comptroller.

S.B. 255 requires state agency personnel directly involved in contract negotiations for the purchase of information resources technologies to complete the training in contract negotiation developed by the Department of Information Resources (DIR). The bill requires DIR to include in the training information on how to use contracts entered into by DIR with regard to the purchase of information technology commodity items.

S.B. 255 removes the requirement that the comptroller's training and certification of state agency purchasing personnel and vendors consist of at least three levels of training, with certain elements included in the three specified levels, and instead consolidates the elements into a single training program provided by the comptroller. The bill removes the specification that the comptroller's rules to administer related provisions include rules relating to monitoring a certified purchaser's compliance with applicable continuing education requirements and the authorization for certain training equivalent to required training for state agency purchasing personnel and vendors to count toward the continuing education requirements. The bill requires the comptroller to adopt rules to monitor compliance with the requirements concerning maintenance of certification and requires the comptroller to certify a state agency employee as a state agency purchaser when the employee has completed the appropriate training and passed a written examination.

S.B. 255 includes among the information provided to a contract manager in the applicable training program developed by the comptroller information regarding how to maintain required documentation for contracting decisions, changes to a contract, and problems with a contract; how to create a risk evaluation and mitigation strategy; how to create a plan for potential problems with the contract; how to develop an accurate and comprehensive statement of work; and how to complete the contract and evaluate performance under the contract. The bill requires the comptroller to adapt the required training for contract managers and administer an abbreviated training program meeting the relevant training requirements for state agency employees, other than contract managers, with contract management duties. The bill exempts a public institution of higher education from provisions relating to the training and certification for contract managers, as amended by the bill.

S.B. 255 changes the entity required to determine the elements required to be included in each agency's strategic plan along with the Legislative Budget Board from the Governor's Office of Budget, Policy, and Planning to the governor's office.

S.B. 255 requires the comptroller to adopt rules to implement the provisions relating to the training and certification of state agency purchasing personnel and vendors, as transferred, redesignated, and amended by the bill, not later than February 1, 2018. Those provisions apply only to an application for certification that is submitted on or after March 1, 2018.

#### **EFFECTIVE DATE**

September 1, 2017.