

By: Geren

H.B. No. 3659

A BILL TO BE ENTITLED

AN ACT

relating to state agency contracting.

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

SECTION 1. Section 2054.1181(a), Government Code, is amended to read as follows:

(a) At the direction of the governor, lieutenant governor, or speaker of the house of representatives [~~The quality assurance team, in coordination with the governor, may recommend major information resources projects to the department for oversight. As part of this oversight~~], the department shall provide additional oversight services for major information resources projects, including risk management, quality assurance services, independent project monitoring, and project management. A state agency with a project selected for oversight shall pay for oversight by the department and quality assurance team based on a funding model developed by the department. The department may contract with a vendor to provide the necessary oversight at the department's direction.

SECTION 2. Section 2054.158, Government Code, is amended to read as follows:

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

(1) create a quality assurance team to perform the

1 duties specified in this chapter and other law; ~~and~~

2 (2) specify in writing the responsibilities of the  
3 comptroller, state auditor, Legislative Budget Board, and  
4 department in performing the duties; and

5 (3) create an automated project review system.

6 (b) The quality assurance team shall:

7 (1) develop and recommend policies and procedures to  
8 improve state agency information resources technology projects;  
9 ~~and~~

10 (2) develop and recommend procedures to improve the  
11 implementation of state agency information resources technology  
12 projects by including considerations for best value and return on  
13 investment; and

14 (3) provide annual training for state agency  
15 procurement and contract management staff on best practices and  
16 methodologies for information technology contracts.

17 (c) The state auditor serves on the quality assurance team  
18 as a consultant.

19 SECTION 3. Section 2054.303(a), Government Code, is amended  
20 to read as follows:

21 (a) For each proposed major information resources project  
22 or major contract, a state agency must prepare:

23 (1) a business case providing the initial  
24 justification for the project or contract, including the  
25 anticipated return on investment in terms of cost savings and  
26 efficiency for the project or contract; ~~and~~

27 (2) a statewide impact analysis of the project's or

1 contract's effect on the state's common information resources  
2 infrastructure, including the possibility of reusing code or other  
3 resources; and

4 (3) in consultation with the department, a technical  
5 architectural assessment of the project or contract.

6 SECTION 4. Section 2054.304, Government Code, is amended by  
7 adding Subsection (d) to read as follows:

8 (d) Each project delivery framework in a project plan must  
9 be recognized as a best practice for major information resources  
10 projects or major contracts.

11 SECTION 5. Subchapter B, Chapter 2155, Government Code, is  
12 amended by adding Section 2155.090 to read as follows:

13 Sec. 2155.090. VENDOR AND EMPLOYEE INTERACTION AND  
14 COMMUNICATION POLICY. (a) Each state agency shall adopt a policy  
15 on the interactions and communication between employees of the  
16 state agency and a vendor that contracts with the state agency or  
17 seeks to conduct business with the state agency.

18 (b) This subtitle does not prohibit the exchange of  
19 information between a state agency and a vendor related to future  
20 solicitations or as necessary to monitor an existing contract.

21 SECTION 6. Sections 2157.068(e-1) and (e-2), Government  
22 Code, are amended to read as follows:

23 (e-1) A state agency contracting to purchase a commodity  
24 item shall use the list maintained as required by Subsection (e) as  
25 follows:

26 (1) for a contract with a value of \$50,000 or less, the  
27 agency may directly award the contract to a vendor included on the

1 list without submission of a request for pricing to other vendors on  
2 the list;

3 (2) for a contract with a value of more than \$50,000  
4 but not more than \$1 million [~~\$150,000~~], the agency must submit a  
5 request for pricing to at least three vendors included on the list  
6 in the category to which the contract relates; and

7 (3) for a contract with a value of more than \$1 million  
8 [~~\$150,000~~] but not more than \$5 [~~\$1~~] million, the agency must submit  
9 a request for pricing to at least six vendors included on the list  
10 in the category to which the contract relates or all vendors on the  
11 schedule if the category has fewer than six vendors.

12 (e-2) A state agency may not enter into a contract to  
13 purchase a commodity item if the value of the contract exceeds \$5  
14 [~~\$1~~] million.

15 SECTION 7. Section [2261.251](#), Government Code, is amended by  
16 adding Subsection (a-1) to read as follows:

17 (a-1) This subchapter applies to a regional education  
18 service center established under Chapter 8, Education Code.

19 SECTION 8. Section [2262.101\(a\)](#), Government Code, is amended  
20 to read as follows:

21 (a) The Contract Advisory Team is created to assist state  
22 agencies in improving contract management practices by:

23 (1) reviewing and making recommendations on the  
24 solicitation documents and contract documents for contracts of  
25 state agencies that have a value of at least \$5 [~~\$10~~] million;

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;

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

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

7 (B) the training under Section 2262.053;

8 (4) providing recommendations and assistance to state  
9 agency personnel throughout the contract management process;

10 (5) coordinating and consulting with the quality  
11 assurance team established under Section 2054.158 on all contracts  
12 relating to a major information resources project;

13 (6) developing and recommending policies and  
14 procedures to improve state agency contract management practices;

15 (7) developing and recommending procedures to improve  
16 state agency contracting practices by including consideration for  
17 best value; and

18 (8) creating and periodically performing a risk  
19 assessment to determine the appropriate level of management and  
20 oversight of contracts by state agencies.

21 SECTION 9. Subchapter A, Chapter 8, Education Code, is  
22 amended by adding Section 8.0091 to read as follows:

23 Sec. 8.0091. APPLICABILITY OF CERTAIN STATE CONTRACTING  
24 LAWS. A regional education service center and each center employee  
25 is subject to Subchapter F, Chapter 2261, Government Code. For  
26 purposes of that chapter:

27 (1) the center is considered to be a state agency; and

1           (2) each center employee is considered to be a state  
2 employee.

3           SECTION 10. (a) Not later than January 1, 2018, each state  
4 agency shall adopt a vendor and employee interaction and  
5 communication policy as required by Section 2155.090, Government  
6 Code, as added by this Act.

7           (b) The changes in law made by this Act apply only in  
8 relation to a contract for which a state agency first advertises or  
9 otherwise solicits bids, proposals, offers, or qualifications on or  
10 after the effective date of this Act.

11           SECTION 11. This Act takes effect September 1, 2017.