

BILL ANALYSIS

Senate Research Center
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H.B. 4748
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State Purchasing and General Services Act establishes procedures for state agencies to purchase goods and services. Under current procedures, a state contract may only be awarded to a contractor offering the best value to the state—generally a single contractor. If a contractor withdraws or cannot meet their obligations, the procurement process must recommence to find another contractor.

H.B. 4748 authorizes the Comptroller of Public Accounts of the State of Texas or a state agency to award multiple contracts to different vendors for similar goods or services through a defined "multiple award" purchasing process to ensure better delivery, service, or compatibility. It requires documentation of the justification, evaluation criteria, and value-based ordering procedures, while allowing secondary solicitations to determine best value before placing orders.

H.B. 4748 seeks to remedy this issue by revising the state procurement process to permit multiple awards of a state contract, ensuring service continuity, fiscal responsibility, and administrative oversight.

H.B. 4748 amends current law relating to state agency purchasing methods and procedures, including a state agency multiple award contract purchasing procedure.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 2156, Government Code, by adding Section 2156.0013, as follows:

Sec. 2156.0013. PROFESSIONAL SERVICES. Provides that Chapter 2156 (Purchasing Methods) does not apply to a contract for professional services, as that term is defined by Section 2254.002 (Definitions).

SECTION 2. Amends Chapter 2156, Government Code, by adding Subchapter E, as follows:

SUBCHAPTER E. MULTIPLE AWARD PURCHASING PROCEDURE

Sec. 2156.201. DEFINITIONS. Defines "multiple award" and "multiple award contract."

Sec. 2156.202. USE OF MULTIPLE AWARD PURCHASING PROCEDURE. (a) Authorizes the Comptroller of Public Accounts of the State of Texas (comptroller) or a state agency to use the multiple award purchasing procedure described by this subchapter to award a contract to more than one vendor for the purchase of similar goods or services as necessary to ensure adequate delivery, service, or product compatibility.

(b) Requires the comptroller or a state agency to prepare a written determination stating the comptroller's or agency's reasons for using the multiple award

purchasing procedure to purchase the goods or services under a multiple award contract and retain the determination in the multiple award contract file.

Sec. 2156.203. REQUIRED DISCLOSURE OF INTENT AND CRITERIA IN MULTIPLE AWARD SOLICITATION. Requires the comptroller or a state agency to disclose in the solicitation for a multiple award contract the comptroller's or agency's intent to use the multiple award purchasing procedure and criteria for an award under that procedure.

Sec. 2156.204. SOLICITATION, EVALUATION, AND AWARD. (a) Requires the comptroller or a state agency to solicit, evaluate, and award a multiple award contract in accordance with Subchapter A (Contract Purchase Procedure), Subchapter C (Competitive Sealed Proposals for Acquisition of Goods and Services), or the request for offers method prescribed by comptroller rules adopted under Section 2157.006 (Purchasing Methods).

(b) Requires each contractor to provide, or be capable of providing, the best value to the state.

Sec. 2156.205. ORDERING. (a) Requires the comptroller or a state agency to place each order under a multiple award contract in a manner that provides the best value to the state in accordance with standards provided in certain chapters. Authorizes the comptroller or agency, if necessary to determine the best value to the state, to conduct a secondary solicitation competition among the vendors awarded a multiple award contract before placing the order.

(b) Requires the comptroller or a state agency to document the method used for determining the best value to the state under a multiple award contract and retain the documentation in the contract file.

SECTION 3. Effective date: September 1, 2025.