

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1994
By: Reynolds (Zaffirini)
Government Organization
4/30/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law grants the Department of Information Resources (DIR) the authority to adopt rules requiring all state agencies to purchase information technology commodity items using contracts developed by DIR. If DIR does not have the item on an existing contract, an agency must request an exemption in writing and may not proceed until DIR responds. This process can take time depending on the type and cost of procurement. State agencies would benefit from purchasing needed commodity items via local government contracts, when and if those contracts exist.

C.S.H.B. 1994 seeks to make the procurement of information technology commodity items more efficient for state agencies by allowing for procurement via local government cooperative contracts.

C.S.H.B. 1994 amends current law relating to the purchase of certain commodity items by a state agency.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Information Resources is modified in SECTION 1 (Section 2157.068, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2157.068, Government Code, by amending Subsections (f) and (g) and adding Subsection (f-1) and (f-2), as follows:

(f) Authorizes the Texas Department of Information Resources (DIR) to adopt rules regulating a purchase by a state agency of a commodity item under this section, including a requirement that, notwithstanding other provisions of this chapter, the agency is required to make the purchase in accordance with a contract developed by DIR unless:

(1) the agency obtains:

(A) an exemption from DIR; or

(B) express prior approval from the Legislative Budget Board (LBB) for the expenditure necessary for the purchase; or

(2) DIR certifies in writing that the commodity item is not available for purchase under an existing contract developed by DIR.

Makes a nonsubstantive change.

(f-1) Authorizes a state agency, subject to Subsection (f-2), to purchase a commodity item through a contract developed by a local government purchasing cooperative under Chapter 791 (Interlocal Cooperation Contracts) if DIR certifies in writing that the commodity item is not available for purchase under an existing contract developed by DIR.

(f-2) Provides that a contract used by a state agency that purchases a commodity item through a contract described Subsection (f-1) is subject to all provisions required by applicable law to be included in a state agency contract without regard to whether the provision appears on the face of the contract or the contract includes any provision to the contrary.

(g) Provides that LBB's approval of a biennial operating plan under Section 2054.102 (Evaluation and Approval of Operating Plans) is not an express prior approval for purposes of Subsection (f)(1)(B), rather than Subsection (f)(2). Requires a state agency to request an exemption from DIR under Subsection (f)(1)(A), rather than Subsection (f)(1), before seeking prior approval from LBB under Subsection (f)(1)(B), rather than Subsection (f)(2).

SECTION 2. Effective date: September 1, 2013.