

BILL ANALYSIS

C.S.S.B. 59
By: Nelson
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As survivors of family violence flee abusive and violent relationships, access to safe shelter and comprehensive services is critical. It is noted that Texas has long shown its commitment to supporting survivors by providing funding to meet vital needs such as complex legal services or access to economic supports like housing and child care. Interested parties assert that recent changes to the oversight and procurement process for these services, which were originally intended to streamline contracting methods and enhance efficiency, have had the opposite effect and do not allow for the nuance needed for critical human services, especially services provided by family violence centers to survivors of family violence.

It has been reported that the procurement methods currently being used have led to significant delays in the distribution of certain funds designated for services for family violence survivors and have resulted in overly cumbersome application requirements. The parties contend that policymakers must address this issue immediately to ensure that the focus on procurement for services to survivors of family violence balances expeditious disbursement of funds by staff with relevant expertise and the need for services in the state. C.S.S.B. 59 seeks to ensure that the state acts as a good steward of public dollars while providing Texans with access to appropriate family violence services.

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

ANALYSIS

C.S.S.B. 59 amends the Human Resources Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to clarify that the requirement that the Health and Human Services Commission (HHSC) use a noncompetitive procurement procedure to award certain contracts if HHSC determines that there is no competition between eligible family violence centers applies to the awarding of a contract for services with a family violence center or a family violence special project and that the requirement applies in circumstances in which there is no competition between eligible family violence centers for services or a service area. The bill replaces a requirement that HHSC award such a contract through a competitive procurement procedure if HHSC determines that there is competition between eligible family violence centers with a requirement that HHSC award such a contract under those circumstances through an application process that considers certain statutory eligibility requirements and other factors and allocates the money in accordance with statutory provisions governing family

violence centers and with consideration of the family violence services plan. The bill requires HHSC to consult with a statewide family violence organization to develop the application process but prohibits HHSC from involving the organization in the contract selection or award process. The bill specifies that provisions governing eligibility, procurement procedures, and the application process for HHSC contracts with family violence centers and family violence special projects control to the extent of any conflict between those provisions and any other law.

C.S.S.B. 59 repeals Section 51.003(d), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, requiring HHSC to award all contracts made statewide for activities that support and advance the work of family violence centers through a competitive bidding process unless that process would not be cost-effective.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 59 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill and does not indicate differences relating to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.

SENATE ENGROSSED

SECTION 1. Subchapter C, Chapter 2155, Government Code, is amended by adding Section 2155.1443 to read as follows:

Sec. 2155.1443. EXEMPTION FOR SERVICES PROVIDED BY FAMILY VIOLENCE CENTER OR FAMILY VIOLENCE SPECIAL PROJECT. (a)

The competitive bidding provisions of this chapter do not apply to a state purchase of services that meets the specifications for services prescribed by Section 51.005, Human Resources Code, and provided by:

(1) a family violence center, as that term is defined by Section 51.002, Human Resources Code; or

(2) a family violence special project, as that term is defined by Section 51.002, Human Resources Code.

(b) The Health and Human Services Commission shall procure services for victims of family violence as provided by Chapter 51, Human Resources Code, in consultation with a statewide family violence organization and in a manner consistent with the plan for delivering family violence services under Section 51.0021, Human Resources Code.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 2. The heading to Section 51.004, Human Resources Code, is amended to read as follows:

Sec. 51.004. CONTRACT ELIGIBILITY [~~BIDS~~].

No equivalent provision.

SECTION 3. Section 51.004(e), Human Resources Code, is repealed.

No equivalent provision.

SECTION 1. The heading to Section 51.004, Human Resources Code, is amended to read as follows:

Sec. 51.004. CONTRACT ELIGIBILITY; PROCUREMENT; APPLICATION PROCESS [~~BIDS~~].

SECTION 2. Section 51.004, Human Resources Code, is amended by amending Subsection (e), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and by adding Subsections (f) and (g) to read as follows:

(e) The commission shall use a noncompetitive procurement procedure to award a contract under Section 51.003(a) or (b) if the commission determines that there is no competition between eligible family violence centers for services or a service area. If the commission determines that there is competition between eligible family violence centers for services or a service area, the commission shall award a contract under Section 51.003(a) or (b) through an application process that considers the eligibility requirements and other factors provided in this section and allocates the money in accordance with this chapter and with consideration of the family violence services plan under Section 51.0021 [~~a competitive procurement procedure~~].

(f) The commission shall consult with a statewide family violence organization to develop the application process described in Subsection (e) but may not involve the organization in the contract selection or award process.

(g) To the extent of any conflict between this section and any other law, including Chapter 2155, Government Code, this section controls.

No equivalent provision. (*But see SECTION 2 above.*)

SECTION 3. Section 51.003(d), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

No equivalent provision.

SECTION 4. The changes in law made by this Act apply only to a contract awarded on or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 5. Same as engrossed version.