

SUBJECT: Revising state training requirements for purchasing, contract management

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 23 ayes — Zerwas, Longoria, Ashby, G. Bonnen, Cospers, Dean, Giddings, Gonzales, González, Howard, Koop, Miller, Muñoz, Perez, Phelan, Raney, Roberts, J. Rodriguez, Rose, Sheffield, Simmons, VanDeaver, Walle

0 nays

4 absent — Capriglione, S. Davis, Dukes, Wu

SENATE VOTE: On final passage, May 8 — 28-3 (Bettencourt, Hall, V. Taylor)

WITNESSES: *On House companion bill, HB 1695:*

For — None

Against — None

On — (*Registered, but did not testify:* Amy Comeaux, Bobby Pounds, Jette Withers, and Robert Wood, Comptroller)

DIGEST: SB 255 would add to training requirements for state agency employees on purchasing, contract management, and contract negotiations. It would transfer certain provisions in various statutes relating to the training of governmental entities and vendors to the State Employees Training Act (ch. 656, subch. C).

**Comptroller training.** The bill would require the Comptroller of Public Accounts to develop and provide a purchasing and contract management training program to meet the needs of state agencies. The comptroller would be authorized to assess a fee for a training program in an amount sufficient to recover costs.

The comptroller would be required to maintain a regular schedule of

classes to accommodate the estimated number of employees requiring purchasing or contract management training, as reported by state agencies. The comptroller could use staff or contract with private or public entities, including state agencies, to conduct the training.

The bill would remove the requirement that the comptroller's training and certification of agency purchasing personnel and vendors consist of at least three levels of training, with certain elements included in each level. Instead it would require that training on contract purchasing include negotiation methods, writing specifications, criteria for determining best value for the state, evaluation criteria, formal and informal bidding methods, and complex negotiations. The comptroller would be required to certify a state agency employee as a certified purchaser when the employee had completed the required training and passed a written examination.

Contract management training would include maintaining required documentation, creating risk evaluation and mitigation strategies, planning for potential problems, developing statements of work, and evaluating performance. The comptroller could administer an abbreviated training program that met the relevant training requirements for agency employees other than contract managers who had contract management duties. Institutions of higher education would be exempted from the bill's contract management training provisions.

**Agency training.** A state agency, in consultation with the comptroller, could develop agency-specific purchasing and contract management training instead of or as a supplement to the comptroller's training. An employee who participated in an agency-specific training program would remain subject to applicable certification requirements established by the bill.

Agency personnel directly involved in contract negotiations for the purchase of information resources technologies would be required to complete training developed by the Department of Information Resources. Training provided by the department would include information on how to

use contracts for the purchase of information technology commodity items.

State agencies that spend more than \$5,000 per fiscal year for a training and education program for any individual administrator or employee would be required by August 31 of that fiscal year to report to the Legislative Budget Board a list of administrators and employees who received training, the amount spent on each one, and the certification each one earned through the training.

The bill would take effect September 1, 2017.

**SUPPORTERS  
SAY:**

SB 255 would address concerns about the management of state contracts by improving training for procurement and contract management personnel. Better training would lead to improved compliance with state purchasing and contracting requirements. The bill would require training in areas identified by the State Auditor's Office as weaknesses for state agencies, such as determining best value for the state. It would consolidate scattered training requirements into a single Government Code chapter for easy reference.

**OPPONENTS  
SAY:**

SB 255 would grow government by mandating training requirements on the comptroller and state agencies. Some of the training requirements would duplicate programs already in place for purchasing and contracting employees. The provision allowing the comptroller to charge state agencies for training would amount to an unnecessary government-to-government transfer of funds.

**NOTES:**

A companion bill, HB 1695 by Shaheen, was left pending following a public hearing in the House Appropriations Subcommittee on Budget Transparency and Reform on April 4.