

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1127
By: Armbrister
State Affairs
4/14/1999
Committee Report (Substituted)

DIGEST

Currently, the General Services Commission must purchase goods and services according to state law. C.S.S.B. 1127 would amend certain regulations in Section 2155, Government Code, regarding state purchases of goods and services.

PURPOSE

As proposed, C.S.S.B. 1127 amends certain regulations regarding state purchases of goods and services.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the General Services Commission in SECTION 7 (Section 2155.448(a), Section 2156.181(b), Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2155.078, Government Code, by amending the section heading and Subsections (a) and (m), as follows:

Sec. 2155.078. New heading: TRAINING AND CERTIFICATION OF STATE AGENCY PURCHASING PERSONNEL AND VENDORS. Authorizes the General Services Commission (GSC) to establish and offer appropriate training to vendors on a cost recovery basis. Deletes a provision requiring an oral examination for a certification.

SECTION 2. Amends Section 2155.262(d), Government Code, to delete a requirement for GSC to send a copy of each uniform registration form to the comptroller.

SECTION 3. Amends Section 2155.263(a), Government Code, to delete a provision requiring a list of vendors to be registered annually.

SECTION 4. Amends Section 2155.266(a), Government Code, to authorize GSC to charge an annual registration fee biennially, rather than annually.

SECTION 5. Section 2155.384, Government Code, to authorize an entity authorized under Chapter 271, Local Government Code, or Section 2155.202 to purchase from a contract entered into under the authority of GSC to pay certain charges and fees if GSC, a state agency, or other entity determines the charge is justifiable.

SECTION 6. Amends Section 2155.445, Government Code, as follows:

Sec. 2155.455. New heading: PREFERENCE FOR RECYCLED, REMANUFACTURED, OR ENVIRONMENTALLY SENSITIVE PRODUCTS. Requires GSC and state agencies to give preference to recycled, remanufactured, or environmentally sensitive products, as those terms are defined by rule of GSC, rather than give preference to a product made of recycled materials, in purchasing, reviewing procurement of, or developing products. Makes conforming changes.

SECTION 7. Amends Section 2155.448, Government Code, as follows:

Sec. 2155.448. New heading: EXPENDITURES FOR RECYCLED, REMANUFACTURED, OR ENVIRONMENTALLY SENSITIVE COMMODITIES OR SERVICES. Authorizes GSC

in coordination with the Recycling Market Development Board to identify, by rule, certain environmentally sensitive commodities or services, and to designate purchasing goals for the procurement of those commodities and services by state agencies. Requires a state agency that uses products not environmentally sensitive to include with the procurement file a justification written by its executive head stating the reasons why the commodity or services will not meet the requirements of the agency. Requires a state agency to report the expenditures made during the preceding fiscal year for each commodities or service identified under Subsection (a). Requires the report to contain certain criteria regarding amounts spent on certain environmentally sensitive commodities and services. Deletes a requirement that a state agency spend a certain percentage of its budget on certain environmentally sensitive products. Deletes a requirement that a state agency must report total expenditures in certain subjects.

SECTION 8. Amends Section 2156.121, Government Code, to require GSC to determine whether to delegate sole oversight of the acquisition to a state agency or to retain oversight of the procurement.

SECTION 9. Amends Chapter 2156, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. INTERSTATE COMPACTS PROCEDURE

Sec. 2156.181. INTERSTATE COMPACTS AND COOPERATIVE AGREEMENTS FOR PROCUREMENTS. Requires GSC to enter into certain agreements with a state government for the purchase of goods or services, if GSC determines that the agreement would be in the best interest of the state. Authorizes GSC to adopt rules to implement this section.

SECTION 10. Amends Section 2157.001(1), Government Code, to redefine “automated information system.” Makes conforming and standard recodification changes.

SECTION 11. Amends Sections 2157.005(a) and (b), Government Code, to require GSC and the Department of Information Resources to develop a technology access clause to be included in all contracts entered into by the state or state agencies that involve the acquisition of an automated information system. Prohibits state funds from being expending unless the contract contains the technology access clause. Set forth the access clause. Deletes text requiring certain technology to be included in the clause. Defines “equivalent access.”

SECTION 12. Amends Section 2157.0611, Government Code, to require a catalogue purchase or lease that exceeds \$2,000 or a greater amount prescribed by GSC rule to be based on certain evaluations.

SECTION 13. Amends Section 2157.063(a), Government Code, to authorize a state agency to negotiate price.

SECTION 14. Amends Section 2157.066, Government Code, to require GSC to require each qualified information system vendor to maintain its approved catalogue on the web, rather than maintain a home wage page. Authorizes GSC to audit a qualified information systems vendor’s approved catalogues for compliance with Subsection (c). Deletes text requiring GSC to make certain revision regarding price changes in a catalogue.

SECTION 15. Amends Section 2158.241, Government Code, to authorize, rather than require, GSC to enter into certain agreements with other states and governmental entities when GSC determines it is in the best interest of the state.

SECTION 16. Amends Section 2254.040(a), Government Code, to authorize, rather than require, GSC to procure consulting services for a requesting state agency.

SECTION 17. Repealer: Section 2155.268(d), Government Code (Use of State Agency Bidders List).

SECTION 18. Makes application of this Act prospective.

SECTION 19. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 11.

Amends Section 2157.005(b), Government Code, to prohibit state funds from being expended unless the contract contains the technology access clause, rather than require the clause as a condition for the expenditure of state funds. Redefines proposed definition for “equivalent access.” Makes nonsubstantive changes.

SECTION 18.

Adds prospective clause.

Redesignates proposed SECTION 18 as SECTION 19.