

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1965
By: Harper-Brown (Zaffirini)
Government Organization
5/16/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The quality assurance team (QAT) and the Contract Advisory Team (CAT) were both created to offer recommendations to improve different phases of contracting projects. Currently, statute regulating each of these teams offers little guidance regarding how they might achieve their charge. C.S.H.B. 1965 requires QAT and CAT to develop and recommend policies and procedures to improve state agency contracting practices and base decision-making in state agency contracting on best value determination.

C.S.H.B. 1965 amends current law relating to the state contracting duties of the quality assurance team and Contract Advisory Team.

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 Section 2054.158, Government Code, as follows:

Sec. 2054.158. New heading: QUALITY ASSURANCE TEAM; DUTIES. (a) Creates this subsection from existing text and makes no further change to this subsection.

(b) Requires the quality assurance team to:

- (1) develop and recommend policies and procedures to improve state agency information resources technology projects; and
- (2) develop and recommend procedures to improve the implementation of state agency information resources technology projects by including considerations for best value and return on investment.

SECTION 2. Amends Section 2262.101, Government Code, as follows:

Sec. 2262.101. CREATION; DUTIES. (a) Creates this subsection from existing text. Creates the Contract Advisory Team (CAT) to assist state agencies in improving contract management practices by:

- (1) reviewing and making recommendations on the solicitation documents and contract documents for contracts of state agencies that have a value of at least \$10 million, rather than by reviewing the solicitation of major contracts by state agencies;
- (2) Makes a nonsubstantive change;
- (3) providing recommendations to the comptroller of public accounts of the State of Texas (comptroller), rather than to the Texas Building and Procurement Commission (TBPC), regarding the development of the

contract management guide, and the training under Section 2262.053 (Training);

(4) developing and recommending policies and procedures to improve state agency contract management practices;

(5) developing and recommending procedures to improve state agency contracting practices by including consideration for best value; and

(6) creating and periodically performing a risk assessment to determine the appropriate level of management and oversight of contracts by state agencies.

(b) Provides that the risk assessment created and reviewed under Subsection (a)(6) is required to include, but is not limited to, the following criteria:

(1) the amount of appropriations to the agency;

(2) the total contract value as percentage of appropriation to the agency; or

(3) the impact of the functions and duties of the state agency on health, safety, and well-being of citizens.

(c) Requires the comptroller to oversee the activities of CAT, including ensuring that CAT carries out its duties under Subsection (a)(5).

(d) Requires a state agency to comply with a recommendation made under Subsection (a)(1), or submit a written explanation regarding why the recommendation is not applicable to the contract under review.

SECTION 3. Amends Section 2262.102, Government Code, by amending Subsection (a) and adding Subsection (c) and (d), as follows:

(a) Provides that CAT consists of the following six, rather than five, members:

(1) one member from the Health and Human Services Commission, rather than from the attorney general's office (OAG);

(2)-(3) Makes no change to these subdivisions;

(4) one member from the Texas Facilities Commission, rather than from TBPC;

(5) Makes a nonsubstantive change to this subdivision; and

(6) one member from a small state agency.

(c) Requires OAG to provide legal assistance to CAT.

(d) Defines "small state agency" in this section.

SECTION 4. Effective date: September 1, 2013.