

BILL ANALYSIS

Senate Research Center
85R2492 TSR-F

S.B. 261
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2015 the Legislature passed S.B. 20, relating to state agency contracting. This contracting omnibus bill introduced a number of much-needed reforms in Texas, but it came with certain unintended consequences. Among these was a provision that could be construed to override the Department of Information Resources' (DIR) ability to engage in bulk purchasing of information technology commodities (e.g., computers, servers, etc.). Specifically, S.B. 20 included a provision limiting state agency commodity purchases to \$1 million. Sensible on its face, the provision fails to make an express exception for DIR's bulk purchasing program, and, if construed to apply to that program, it could defeat the entire purpose of bulk purchasing by disaggregating state agencies' collective buying power. S.B. 261 would remedy this problem by making clear that the \$1-million purchasing limitation does not apply to the Department of Information Resources purchasing information technology commodities for use by multiple agencies.

As proposed, S.B. 261 amends current law relating to the bulk purchase of information technology commodity items by the Department of Information Resources.

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 2157.068, Government Code, by adding Subsection (e-3), as follows:

(e-3) Provides that the procedural requirements of Subsection (e-1) (relating to the list a state agency contracting to purchase a commodity item is required to use) and the limitation prescribed by Subsection (e-2) (relating to prohibiting a state agency from entering into a contract to purchase a commodity item exceeding \$1 million) do not apply to a department contract for the bulk purchase of commodity items intended for use by more than one state agency.

SECTION 2. Effective date: upon passage or September 1, 2017.