

BILL ANALYSIS

Senate Research Center
87R16145 MCK-F

H.B. 4094
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Most state agencies are required to report vendor performance for certain large contracts through the vendor performance tracking system maintained by the Comptroller of Public Accounts of the State of Texas (comptroller). Procurements made by the state's health and human services agencies, which include the Health and Human Services Commission (HHSC), follow an alternative procurement tracking system. After the Department of Family and Protective Services (DFPS) became a stand-alone state agency in 2017, the comptroller's office determined in a post-payment audit that DFPS was not a health and human services agency and was thus no longer exempt from the vendor performance tracking requirements. Another result of the determination is that DFPS would be unable to rely on HHSC's client services procurement authority for procuring certain DFPS contracts. H.B. 4094 seeks to remedy this situation so that DFPS may use the alternative procurement procedures for the state's health and human services agencies.

H.B. 4094 amends current law relating to certain procurements by the Department of Family and Protective Services.

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 2155.089(c), Government Code, as follows:

- (c) Provides that Section 2155.089 (Reporting Vendor Performance) does not apply to:
 - (1) makes no change to this subdivision;
 - (2) and (3) makes nonsubstantive changes to these subdivisions; or
 - (4) a child-specific contract entered into by the Department of Family and Protective Services (DFPS) for a child without placement.

SECTION 2. Amends Section 2155.144(a), Government Code, as follows:

- (a) Provides that Section 2155.144 (Procurements by Health and Human Services Agencies) applies only to the Health and Human Services Commission, each health and human services agency, and DFPS. Provides that DFPS, for the purposes of Section 2155.144, is considered a health and human services agency. Makes nonsubstantive changes.

SECTION 3. Effective date: September 1, 2021.