

## **BILL ANALYSIS**

Senate Research Center  
88R9997 MP-F

S.B. 1671  
By: LaMantia  
Water, Agriculture & Rural Affairs  
4/20/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas procurement laws require purchases of goods and services by state agencies to be accomplished via competitive bidding. There are limited exceptions to purchasing goods and services through alternative means, including contract purchases and multiple award contracts established by the Comptroller of Public Accounts of the State of Texas. Several state agencies already have delegated authority codified in statute, which allows those agencies to carry out more efficient and cost-saving procurement processes.

Competitive solicitation can be difficult for some governmental agencies, and there is no statutory guidance or exception in place if a governmental entity issues a competitive solicitation and does not receive a response. The only option is for entities to resolicit until an award can be made. This process is lengthy, and requires involvement from various personnel and stakeholders. When a solicitation cannot be awarded due to lack of interest from the public, staff resources must continue to support the procurement until an eventual contract is awarded. The needs of the Texas Parks and Wildlife Department (TPWD) are often unique, making obtaining goods and services via competitive bidding challenging. Qualified vendors may exist, but are often unaware of the bidding opportunities, or lack the ability and interest to complete the rigorous documentation required for bidding.

S.B. 1671 authorizes TPWD to contract directly with a qualified vendor if responsive bids are not received in response to a competitive solicitation for goods and services. This will help ensure that TPWD can complete projects in a timely manner, and provide employees with the tools and services they need. This increases the ability to encumber funds and produce deliverables within established deadlines, while avoiding loss of funding availability. S.B. 1671 allows TPWD to use all available resources to ensure that they can save time and resources by getting the best value possible for the goods and services that are necessary for TPWD's continued operation.

As proposed, S.B. 1671 amends current law relating to the contracting authority of the Parks and Wildlife Department.

### **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 11.0171, Parks and Wildlife Code, by adding Subsection (c) to authorize the executive director of the Texas Parks and Wildlife Department (executive director) or the executive director's designee after making a written determination that competition is not available, if the executive director or the executive director's designee does not receive any responsive bids on a competitive solicitation for goods or services, to negotiate with and award the contract to any qualified vendor who meets the requirements of the original solicitation.

SECTION 2. Makes application of Section 11.0171(c), Parks and Wildlife Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2023.