

Texas Procurement and Contract Management Guide, Version 2.1 Crosswalk Document

Revised Content in Version 2.1	Topic	Nature of Revision	TxPCMG 2.1 Page Location	Impacting Legislation	Statute/Rule	TxPCMG 2.0 Content/Language	TxPCMG 2.0 Page Location
Addition: Communication Model. Agencies are expected to develop and publish a communication procedure to assist procurement professionals and vendors in establishing appropriate vendor communication. A sample Communication Model is available in Appendix 3. Agency legal counsel should be consulted for any communication outside the parameters of the agency's established Communication Model.	Vendor Communication	Substantive revisions	8	SB 799 (87th Legislature, R.S.)	TEX. GOV'T CODE § 2262.051(i)(4)	Change: Agencies are expected to develop and publish a communication procedure to assist procurement professionals and vendors in establishing appropriate vendor communication. Agency legal counsel should be consulted for any communication outside the parameters of the agency's established Communication Model.	8
Revision: oversees Data Centers Services; Texas.gov, the official website of Texas; Managed Security Services; and Open Data Portal;	SPD, DIR, SAO, Oversight Teams, and Planning Documents	Substantive revisions	10	N/A	N/A	Change: oversees three major statewide programs: (1) TEX-AN, the State's telecommunications system, (2) Texas.gov, the official website of Texas, and (3) consolidated data center services for agencies;	10
Removal and Addition: The CAT consists of members from each of the following agencies: CPA, DIR, Health and Human Services Commission, Office of the Governor, TFC, and DPS as well as several representatives from institutions of higher education as identified in Texas Education Code § 55.165.	SPD, DIR, SAO, Oversight Teams, and Planning Documents	Substantive revisions	11	N/A	N/A	Change: As of May 1, 2018, the CAT consists of members from each of the following agencies: CPA, DIR, Health and Human Services Commission, Office of the Governor, TFC, and DPS.	11
Addition: Purchases of items that are in the TCI catalog, but not on Texas SmartBuy, are subject to SPD delegation of purchasing authority.	Texas Correctional Industries Purchases	Non-substantive clarifications	18	N/A	TEX. GOV'T CODE § 497.025	N/A	18
Revision: DIR's Data Center Services (DCS) program allows participating customers to use Print, Mail, and Digitization services. State agencies may opt to leverage...	Printing Services and In-House Copy Centers	Substantive revisions	26	N/A	N/A	Change: DIR has entered into a private vendor contract to manage Data Center Services (DSC) for participating agencies. Any agency receiving DSC services may opt to leverage...	26

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Removal: For example, the value of a contract is calculated differently for IT commodity purchases under DIR contracts.	Determining Contract Value	Substantive revisions	28	N/A	1 TAC § 212.1	Change: For example, the value of a contract is calculated differently for IT commodity purchases under DIR contracts.	28
Addition: A thorough explanation of each Purchase Category Code (PCC) is available in Appendix 31.	Summary of Minimum Requirements for Delegated Purchases	Non-substantive clarifications	28	N/A	N/A	N/A	28
Addition to Graphic: Professional Memberships Purchases	Summary of Minimum Requirements for Delegated Purchases	Substantive revisions	28	N/A	34 TAC § 20.82	N/A	28
Addition: professional memberships;	SPD Delegation by Rule	Substantive revisions	29	N/A	34 TAC § 20.82	N/A	29
Addition: For the purposes of determining contract value for delegation of purchasing authority, an agency's cost estimate must be developed in good faith using a method that is reasonable under the circumstances.	One-time purchases of goods \$50,000 or less	Substantive revisions	29	N/A	34 TAC § 20.82(b) (6)	N/A	29
Addition: For the purposes of determining contract value for delegation of purchasing authority, an agency's cost estimate must be developed in good faith using a method that is reasonable under the circumstances.	Purchases of services of \$100,000 or less	Substantive revisions	29	N/A	34 TAC § 20.82(b) (6)	N/A	29
Addition: Professional Memberships. An agency may purchase professional memberships directly from a professional organization when such memberships are not available through competitive bidding, the purchase has been approved by the administrative head of the agency, the membership will serve a public purpose, and the agency will receive adequate consideration in exchange for the purchase of the membership.	Professional Memberships	Substantive revisions	30	N/A	34 TAC § 20.82	N/A	N/A

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Revision: For an emergency purchase of goods or services exceeding \$25,000, the agency must retain a full written explanation of the emergency along with other documentation required by SPD in the contract file.	Emergency Purchases	Substantive revisions	31	N/A	34 TAC § 20.82(d) (2)(A)	Change: For an emergency purchase of goods or services exceeding \$25,000, an agency must send to SPD a full written explanation of the emergency along with other documentation required by SPD. The notification to SPD must be provided via email to spd.policy@cpa.texas.gov as soon as reasonably practical given the nature of the emergency.	31
Revision: Under DIR's statewide procurement authority, DIR establishes and manages contracts under the following program areas for use by eligible customers: (1) Cooperative Contracts program, (2) Shared Technology Services (e.g., Private Cloud, Public Cloud, Print/Mail/Digitization), (3) Telecommunications. DIR may consider strategic sourcing and other methodologies to select the vendor offering the best value on IT commodity items. Revision: This section of the Guide provides a summary of the contracts established by DIR.	DIR Contracts	Substantive revisions	35-36	N/A	N/A	Change: Under DIR's statewide procurement authority, DIR establishes and manages the following types of master contracts for use by eligible customers: (1) Cooperative Contracts for IT commodity items, (2) the Texas.gov contract, (3) Data Center Services contracts, and (4) Telecommunication Services contracts. Change: This section of the Guide provides a summary of the four master contracts established by DIR.	35-36
Addition: The dollar value of a contract is determined by the total value of the contract over its term as well as any modifications, renewals, or extensions of the contract. It does not include the following for purposes of determining the monetary threshold applicable to an IT commodity item procurement under a DIR contract: 1. documents executed for purposes of encumbering funds but not constituting a binding transaction; or 2. any related document...	Determining Contract Value of IT Commodity Items	Substantive revisions	36	N/A	TEX. GOV'T CODE §§ 322.020, 2054.008; 34 TAC § 20.25(b) (13)	Change: The dollar value of a contract does not include the following for purposes of determining the monetary threshold applicable to an IT commodity item procurement under a DIR contract: 1. optional extensions or renewals; 2. documents executed for purposes of encumbering funds but not constituting a binding transaction; or 3. any related document	36

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Addition: DIR establishes and maintains a catalog of active contracts on the DIR website that contain IT commodity items available for purchase by state agencies and other eligible customers.	DIR Cooperative Contracts Program	Non-substantive clarifications	36	SB 538 (87th Legislature, R.S.)	TEX. GOV'T CODE § 2157.068	Change: DIR establishes and maintains a catalog of active contracts on the DIR website that contain IT commodity items available for purchase by state agencies.	36
<p>Addition of subsection: Cloud Computing Services. Cloud computing is a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction.</p> <p>The Texas Risk and Authorization Management Program (TX-RAMP) is a standardized approach to the assessment and evaluation of cloud computing services. Beginning January 1, 2022, state agencies may only enter or renew contracts to receive cloud computing services that comply with TX-RAMP certification requirements.</p> <p>For more information, refer to the Texas Risk and Authorization Management Program (TX-RAMP) page on the DIR website.</p>	Procurement Method - Automated Information Systems	Substantive revisions	36	SB 819 (86th Legislature, R.S.); SB 799 (87th Legislature, R.S.) SB 475 (87th Legislature, R.S.)	TEX GOVT CODE §§ 2157.007, 2054.003(13), 2054.0593	N/A	N/A
Addition: The coordinated bulk purchase effort focuses on productivity software, seat management services, and personal computers, laptops, and tablets and any additional IT commodity items that may produce cost savings from bulk purchases.	Coordinated Bulk Purchases of Commodity Items	Non-substantive clarifications	37	SB 1 (87th Legislature, R.S.)	General Appropriations Act, Article IX, Section 9.04(b)-(c)	Change: The coordinated bulk purchase effort focuses on productivity software, seat management services, and personal computers, laptops, and tablets.	36

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Revision: Some DIR contracts for IT commodity items require a state agency to develop and execute a Statement of Work (SOW) to initiate services under the contract. Before submitting a SOW to the vendor, the agency is required to submit it to DIR for approval. This must occur prior to soliciting and upon award. This review is required for certain services that exceed \$50,000 and includes, but is not limited to, the following technology categories:	DIR Review and Signature Approval of Certain Statements of Work	Substantive revisions	37	N/A	N/A	Change: Agencies are required to prepare and submit to DIR certain Department of Information Resources Statements of Work (DIR SOW) for contracts that exceed \$50,000. A DIR SOW executed by an agency under a contract for an IT commodity item is not valid and money may not be paid to the contractor under the terms of the DIR SOW unless DIR first signs the DIR SOW.	37
Revision: 3. DIR Certification of Unavailability. A state agency may submit a request to DIR for certification that a commodity item is not available for purchase under an existing DIR contract, so that the state agency may procure the IT commodity item through an avenue other than a DIR contract. The state agency shall not take any action on the contemplated purchase until the request is either approved or denied by DIR.	Exemptions and Exclusions	Substantive revisions	38-39	N/A	TEX. GOVT. CODE § 2157.068(f)	Change: 3. DIR Certification of Unavailability. An agency may procure an IT commodity item through an avenue other than a DIR contract if DIR certifies in writing that the commodity item is not available for purchase under an existing contract developed by DIR.	38
Addition to Footnote 336: Chapter 2262 of the Texas Government Code does not apply to (1) an institution of higher education as defined by Section 61.003 of the Education Code (except those where Section 55.165 of the Texas Education Code apply) or...	CAT - Review of Solicitations with a Value of \$5 Million or More	Substantive revisions	66	SB 52 (87th Legislature, 3rd C.S.)	TEX GOVT CODE § 2262.002; TEX. EDUC. CODE § 55.165	Change: Footnote 326: Chapter 2262 of the Texas Government Code does not apply to (1) an institution of higher education as defined by Section 61.003 of the Education Code or...	66

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<p>Revision to Graphic: If not posting the entire solicitation package to the ESBD, then notice must be posted that includes all information necessary to make a successful response for the procurement contract, including at a minimum the following information:</p> <p>(2) the last date on which responses will be accepted;</p> <p>(6) the name, business mailing address, and business telephone number of the agency employee a person may contact to inquire about all necessary information related to making a response for the procurement contract.</p>	Electronic State Business Daily (ESBD)	Substantive revisions	68	N/A	34 TAC § 20.214	<p>Change: If not posting the entire solicitation package to the ESBD, then notice must be posted that includes all information necessary to make a successful bid, proposal, or other applicable expression of interest for the procurement contract, including at a minimum the following information:</p> <p>(2) the last date on which bids, proposals, or other applicable expressions of interest will be accepted;</p> <p>(6) the name, business mailing address, and business telephone number of the agency employee a person may contact to inquire about all necessary information related to making a bid, proposal, or other applicable expression of interest for the procurement contract.</p>	68
<p>Revision: When determining the appropriate solicitation posting period, the Contract Developer should consider what timeframe affords interested eligible vendors the opportunity to submit quality responses.</p>	Electronic State Business Daily (ESBD)	Substantive revisions	68	N/A	34 TAC § 20.214	<p>Change: When determining the appropriate solicitation posting period, the Contract Developer should consider what timeframe affords interested eligible vendors the opportunity to submit quality proposals.</p>	68
<p>Addition: If an addendum is issued, the agency is responsible for notifying all original bidders who were listed on the CMBL at the time of the original solicitation posting.</p>	Solicitation Addenda	Substantive revisions	71	N/A	34 TAC § 20.214	N/A	71
<p>Addition to Footnote 364: Agencies shall also maintain a list of respondents that submitted a proposal in response to each request for proposal.</p>	Solicitation – Receipt and Control of Responses	Non-substantive clarifications	72	N/A	34 TAC § 20.208(c)	N/A	72

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Addition: Footnote 367 When multiple awards occur on term contracts, purchasers should refer to the General Contract Information (GCI) page on Texas SmartBuy prior to contract award.	TCI Program, State Use Program, and Term Contract Purchases	Non-substantive clarifications	74	N/A	N/A	N/A	74
Revision: Agencies are required to prepare and submit to DIR certain Statement of Work (SOW) for contracts that exceed \$50,000. DIR must sign the SOW before it becomes valid, and any money is paid to the vendor.	DIR - Statements of Work	Substantive revisions	88	N/A	1 TAC § 212.41	Change: Agencies are required to prepare and submit to DIR certain DIR SOW for contracts that exceed \$50,000. A DIR SOW executed by an agency under a contract for an IT commodity item is not valid and money may not be paid to the contractor under the terms of the DIR SOW unless DIR first signs the DIR SOW.	88
Revision: After the contract is awarded, a notification of award must be posted to the ESBD within two business days if the contract is expected to exceed \$25,000. Revision: In the event the action resulting from the ESBD posting is not a contract award, the agency must post notice of the non-award to the ESBD within two business days.	ESBD Notice of Award	Substantive revisions	92	N/A	34 TAC § 20.215(c)	Change: After the contract is awarded, a notification of award must be posted to the ESBD if the contract is expected to exceed \$25,000.00. Change: In the event the action resulting from the ESBD posting is not a contract award, the agency must post notice of the non-award to the ESBD.	92
Revision to Graphic: LBB Reporting Requirements	LBB Reporting	Substantive revisions	93	SB 799 (87th Legislature, R.S.)	TEX. GOV'T CODE § 2166.2551, TEX. GOV'T CODE § 2254.006, TEX. GOV'T CODE § 2254.0301, TEX. GOV'T CODE § 2054.008; General Appropriations Act, Senate Bill 1, 87th R.S. at Article IX, Section 7.04, 7.11	Change: LBB Reporting Requirements Graphic	93

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Addition: Vendors debarred by SPD cannot be awarded contracts or otherwise purchased from. If a contract already exists at the time of debarment, it shall be terminated by the state agency as soon as practicable.	Barring Vendors From Participating in State Contracts	Substantive revisions	113	N/A	34 TAC § 20.588	N/A	113
Addition: 4. Dated ESBD posting printouts for the Notice of Intent to Procure (if the purchase is over \$20 million), the solicitation, including addenda, and the Notice of Award, if purchase is over \$25,000.00;	Post-Payment Audits	Substantive revisions	115	SB 799 (87th Legislature, R.S.)	TEX. GOV'T CODE § 2262.051(j); 34 TAC § 20.214(c)	Change: 4.Dated ESBD posting printouts for the solicitation, including addenda, and the Notice of Award, if purchase is over \$25,000.00;	115
Addition: Agency-Vendor Model Communication Procedure	Appendix 3	Substantive revisions		SB 799 (87th Legislature, R.S.)	TEX. GOV'T CODE § 2262.051		N/A
Addition: Child Support Obligation Affirmation - Standard Text Cloud Computing State Risk and Authorization Management Program (TX-RAMP) - Clause, Legal Authority, and Guidance National Anthem Verification - Standard Text Revision: Computer Equipment Recycling Program - Guidance Dispute Resolution (Engineering, Architectural, or Construction Services) - Legal Authority	Appendix 24	Non-substantive clarifications; Substantive revisions		SB 475 and SB 4 (87th Legislature, R.S.)	TEX. FAM. CODE § 231.006, 1 TAC § 202.27, TEX. GOV'T CODE §§ 2054.0593, 2274.002		Appendix 23
Removed: Drug-Free Workplace clause	Appendix 25	Substantive revisions		N/A	N/A		Appendix 24
Addition: K - Purchases of publications directly from the publisher or professional memberships with no dollar limits.	Appendix 31	Substantive revisions		N/A	34 TAC § 20.82	Change: K - Purchases of publications directly from the publisher with no dollar limits.	Appendix 30
Addition: PCC K - Direct Publication/ Professional Membership Purchase	Appendix 32	Substantive revisions		N/A	34 TAC § 20.82	Change: PCC K: Direct Publication Purchase	Appendix 31