

Section 1.0

Overview

The State of Texas Procurement Manual (“Procurement Manual”) is, along with Texas Statutes, Government Code and Texas Administrative Code (TAC) rules, the primary reference for certified Texas purchasing staff. This manual provides standard procedures for implementing the requirements of Texas statutes and delegated purchasing authority to ensure the application of consistent and sound business practices in the acquisition of goods and services and disposition of state owned property in Texas government. It demonstrates the ongoing commitment of the Texas Comptroller of Public Accounts to standardize state procurement practices and procedures by:

- Simplifying and clarifying the law governing procurement by the State of Texas.
- Providing for the continued development of centralized procurement policies and practices.
- Ensuring consistency in procurement practices among state agencies.
- Providing for increased public confidence in the procurement procedures followed by Texas governmental entities.
- Ensuring the fair and equitable treatment of everyone who deals with Texas procurement processes and systems.
- Providing increased economy in state procurement activities; maximizing the purchasing value of public funds; obtaining in a cost-effective and responsive manner the commodities and services required by state agencies in order for those agencies to better serve Texas’s taxpayers.
- Fostering effective public competition.
- Safeguarding quality and integrity in Texas public procurement.

State of Texas employees involved in the procurement of goods and services have a responsibility to uphold Texas procurement laws and act in good faith to serve the best interests of the State of Texas and its taxpayers. This responsibility requires a thorough knowledge of the following:

- [Texas Government Code, Title 10, Subtitle D](#)
- [Texas Administrative Code \(TAC\)](#)

Scope

The Procurement Manual contains purchasing authority requirements, procedures, and best practices applicable to the procurement of goods and services. Content is organized into the following sections to help answer topical questions and guide a purchaser through related procedures.

Section	Topic	Answers these common questions:
1	Purchasing Responsibilities and Authority	<ul style="list-style-type: none">• What is required of a State of Texas purchaser?• For which types of goods or services is a purchaser responsible for creating a solicitation (delegated purchasing authority)?
2	Purchases without Competitive Bidding	What goods or services are available from existing contracts?
3	Solicitation Process	What are the best practices for creating a solicitation, evaluating bids, and making an award?
4	Contract Administration	<ul style="list-style-type: none">• What are the best practices for making changes to a contract and paying vendors?

		<ul style="list-style-type: none"> • How do purchasers report vendor performance?
5	Procurement Review	How should procurement files be documented?
6	Training & Certification	What is the process for obtaining and renewing State of Texas purchaser certification?
7	Other Procedures and Resources	What other purchasing procedures and reporting are there?

Comments

Please send comments regarding the Procurement Manual to procurement_info@cpa.texas.gov.

Purchases Contrary to Procurement Rules, Statutes, or the Procurement Manual

[Texas Administrative Code Title 34, Part 1, Chapter 20](#)

[Texas Statutes - Government Code](#)

[Comptroller of Public Accounts – TPASS Division](#)

[Chapter 2155 – Purchasing: General Rules and Procedures](#)

[Chapter 2156 – Purchasing Methods](#)

[Chapter 2157 – Purchasing: Miscellaneous Provisions for Purchase of Certain Good and Services](#)

[Chapter 2158 – State Council on Competitive Government \(CCG\)](#)

[Chapter 2161 – Historically Underutilized Businesses](#)

[Chapter 2175 – Surplus and Salvage Property](#)

Definition

State agency refers to a department, commission, board, office or agency in the executive branch of state government created by the Texas Constitution or a Texas statute, the Texas Supreme Court, courts of appeals, the Texas Judicial Council, or state universities. Texas Government Code §2151.002(2).

Statutory Purchasing Authority

To support state operations and shorten the procurement cycle for purchasers, state law grants purchasing authority to TPASS, the Council on Competitive Government (CCG) and the Department of Information Resources (DIR) to establish contracts for commonly used goods and services for state agency and local government use.

Statewide contracts include DIR’s Information and Communications Technology (ICT) Cooperative Contracts for IT goods and services and TPASS TxSmartBuy (term), Managed (Includes CCG) and TXMAS contracts for other goods and services.

For items not on an existing statewide contract, Texas Government Code §§ 2155-2161 and 34 Texas Administrative Code Chapter 20 provide additional detail on TPASS purchasing oversight and contract responsibilities as well as the purchasing authority delegated to state agencies.

The following charts portray delegated authority and specific government code references.

TPASS Non-Delegated Purchases

Services over \$100,000:
Request for Proposals (RFP) -- No upper dollar limit
Gov't. Code § 2156.121

State Agency Delegated Purchases and Procedures

- Delegated Purchases
Gov't. Code § 2155.132
- *Commodity Purchases under \$25,000*
 - *Purchases of Services under \$100,000*
 - *Direct Publications*
 - *Internal Repair Purchases*
 - *Perishable Purchases*
 - *Fuel, Oil & Grease Purchases*
 - *Distributor Purchases*
 - *Emergency and Proprietary Purchases*
 - *IT Commodities and Services*

Public Utilities
Gov't. Code § 2155.001

Interagency Agreement
Contract (IAC)*
Gov't. Code Ch. 771

Specific Statutory Exemptions
see chart in audit section 4.5