

Section 2.5.2

Texas Correctional Industries (TCI) - Texas Department of Criminal Justice (TDCJ) Institutional Division

Texas Correctional Industries is a department of the Texas Department of Criminal Justice. Using primarily offender labor, TCI manufactures goods and provides services to city, county, state and federal agencies, public schools, public and private institutions of higher education, public hospitals and political subdivisions.

Competitive bidding is not required for items purchased from TCI under the Prison Made Goods Act, except for printing. Printing procurement for state agencies requires adherence to the requirements detailed in *Section 2.15.1, and authorized by the Council on Competitive Government.*

For all orders placed with TCI, the State agency shall document the following:

- A written quotation is obtained from TDCJ/Institutional Division (Texas Correctional Industries-TCI).
- The agency issues a purchase order directly to TDCJ - Institutional Division. Note the following on the purchasing documentation, "**the award was made under the Prison Made Goods Act and is noncompetitive.**"

Authority: Government Code §497.024 require state agencies to ensure that the following requirements are met: "If the office produces an article or product under this subchapter, an agency of the state or a political subdivision may purchase the article or product **only** from the office." TCI requirements do not apply to higher education. (Texas Government Code §497.0211 exempts institutions of higher education.)

The Act goes on to state in **Government Code §497.025(c)** that "An agency may decline to purchase goods or articles from [TCI] if the agency determines, after a final opportunity to negotiate on price, and the comptroller certifies, that the goods or articles can be purchased elsewhere at a lower price."

Prison Made Goods Act waivers - If a state agency desires to purchase a product/service offered by TCI as set forth in its catalog from a source other than TCI, a waiver must be obtained. The waiver request can be based on a substantial difference in specifications which could include delivery, or on price differences, or both. **Note:** TCI is located on the CMBL and bids for printing must include a bid or no bid response (in lieu of the waiver) for this commodity. Please reference Section 2.15.1 for procedures for printing requests.

To request a waiver from TCI purchasing requirements, the TCI Waiver Form available in the [Procurement Forms Library](#) must be completely filled out and submitted to TCI as indicated on the form.

If TCI can provide the commodity, but the agency finds a lower price from a vendor in the private sector, the agency must offer TCI an opportunity to match the lowest price. If TCI cannot lower their price and/or meet all specifications, then TPASS must certify that the goods or articles can be purchased elsewhere at a lower price. This certification process includes an evaluation of the bid tabulation and responses from the solicitation.

The requesting agency will send the appropriate bid documents to TPASS, which will confirm that the goods or articles may indeed be purchased elsewhere, and send confirmation back to the requesting agency. For example, this certification may state: "TPASS has reviewed and certified that...."

Waiver requests will be evaluated on a case-by-case basis. Should a request be denied, an appeal may be made to the CPA. To expedite processing an appeal, be sure to provide the waiver identification number found on your waiver denial letter. Refer to TCI Waiver Request Form for TCI Customer Service.