

# TEXAS PROCUREMENT CODE

**Fiscal Year End: August 31**

1. **Prequalifications:** Master Bidder's List available
  - a. **TXGC 2155.263.a** → The commission shall maintain a centralized master bidders list and register on the list the name and address of each vendor that applies for registration under rules adopted under this subchapter. The commission may include other relevant vendor information on the list
  - b. **TXGC 2155.263.c** → The centralized master bidders list shall be used for all available procurement processes authorized by this subtitle and shall also be used to the fullest extent possible by state agencies that make purchases exempt from the commission's purchasing authority
  
2. **Auto-drop:** None.
  
3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed.
  - a. **TXGC 2155.074 (b)** → In determining the best value for the state, the purchase price and whether the goods or services meet specifications are the most important considerations. However, the commission or other state agency may, subject to Subsection (c) and Section 2155.075, consider other relevant factors, including:
    - i. Installation costs;
    - ii. Life cycle costs;
    - iii. The quality and reliability of the goods and services;
    - iv. The delivery terms;
    - v. Indicators of probable vendor performance under the contract such as past vendor performance, the vendor's financial resources and ability to perform, the vendor's experience or demonstrated capability and responsibility, and the vendor's ability to provide reliable maintenance agreements and support;
    - vi. The cost of any employee training associated with a purchase;
    - vii. The effect of a purchase on agency productivity;
    - viii. The vendor's anticipated economic impact to the state or a subdivision of the state, including potential tax revenue and employment; and
    - ix. Other factors relevant to determining the best value for the state in the context of a particular purchase
  
4. **Piggybacking:** Piggybacking is approved between local governments in the Texas Local Government Code.
  - a. **TXLGC 271.102 (a)** → A local government may participate in a cooperative purchasing program with another local government or a local cooperative organization
  
5. **Recycle Preferences:** Preference to recycled, remanufactured, or environmentally sensitive products
  - a. **TX Gov. Code Sec. 2155.445. (a)** → The commission and state agencies shall give preference to recycled, remanufactured, or environmentally sensitive products, as those terms are defined by rule of the commission, in purchases made under this subtitle if the product meets state specifications regarding quantity and quality

- b. **TX Gov. Code Sec. 2155.445. (c)** → In developing new procedures and specifications, the commission shall encourage the use of recycled products and products that may be recycled or reused or that are remanufactured or environmentally sensitive
- c. **TX Gov. Code Sec. 2155.445. (d)** → In addition to the products covered by the definition adopted by rule under this section, in this section "recycled product" includes recycled steel products. The preference for recycled steel products under this section applies also to products purchased in connection with projects described by Section 2166.003

**6. Minority/Small/Disadvantaged Business Enterprise preferences:** Encouraged to use historically underutilized businesses.

- a. **TX Gov. Code Sec 2155.505.b** → The commission shall strongly encourage each vendor with a contract listed on a schedule developed under this subchapter and who is not a historically underutilized business or small business to use historically underutilized or small businesses to sell or provide a service under the contract. If a vendor does not make a good faith effort to use historically underutilized and small businesses under the contract, the commission may exclude the vendor from being listed on a schedule developed under this subchapter.

**7. Cooperative Purchasing**

**National IPA**

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information

<http://www.nationalipa.org/statutes.html>

**National Joint Powers Alliance (NJPA)**

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

**\*\*\* Texas Government Code (Chapter 2155—Purchasing):**

<http://www.statutes.legis.state.tx.us/Index.aspx> Select Government Code - Chapter 2155

**\*\*\*Texas Local Government Code (Chapter 271):**

<http://www.statutes.legis.state.tx.us/Index.aspx> Select Local Government Code - Chapter 271