

AN ACT

relating to the purchase of goods and services by the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2155.078, Government Code, is amended by amending the section heading and Subsections (a) and (m) to read as follows:

Sec. 2155.078. TRAINING AND CERTIFICATION OF STATE AGENCY PURCHASING PERSONNEL AND VENDORS. (a) The commission shall establish and administer a system of training, continuing education, and certification for state agency purchasing personnel. The commission may establish and offer appropriate training to vendors on a cost recovery basis. The commission may adopt rules to administer this section, including rules relating to monitoring a certified purchaser's compliance with the continuing education requirements of this section.

(m) The commission's prerequisites for receiving a level-three purchaser certification must include completion of the second training level, passage of a written ~~[and an oral]~~ examination, and a minimum of three years of purchasing experience.

SECTION 2. Subsection (d), Section 2155.262, Government Code, is amended to read as follows:

(d) A state agency shall submit to the commission each uniform registration form that it receives. ~~[The commission shall send to the comptroller a copy of each uniform registration form.]~~

SECTION 3. Subsection (a), Section 2155.263, Government Code, is amended to read as follows:

(a) The commission shall maintain a centralized master bidders list and [~~annually~~] 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.

SECTION 4. Subsection (a), Section 2155.266, Government Code, is amended to read as follows:

(a) The commission may charge a person applying for registration on the master bidders list a registration fee and may charge a registrant a biennial [~~an annual~~] renewal fee in an amount designed to recover the commission's costs in:

- (1) making and maintaining the master bidders list; and
- (2) soliciting bids or proposals under this subchapter.

SECTION 5. Section 2155.384, Government Code, is amended to read as follows:

Sec. 2155.384. AUTHORITY TO PAY CHARGES. The commission, ~~or~~ a state agency, or an entity authorized under Chapter 271, Local Government Code, or Section 2155.202 to purchase from a contract entered into under the authority of the commission may pay a restocking charge, cancellation fee, or other similar charge if the commission, state agency, or other entity determines that the charge is justifiable.

SECTION 6. Section 2155.445, Government Code, is amended to read as follows:

Sec. 2155.445. PREFERENCE FOR RECYCLED, REMANUFACTURED, OR ENVIRONMENTALLY SENSITIVE PRODUCTS. (a) The commission and state agencies shall give preference to [~~a product made of~~] recycled, remanufactured, or environmentally sensitive products, as those terms are defined by rule of the commission, [materials] in purchases made under this subtitle if the product meets state specifications regarding quantity and quality.

(b) The commission regularly shall review and revise its procurement procedures and specifications for the purchase of goods to:

(1) eliminate procedures and specifications that explicitly discriminate against [products made of] recycled, remanufactured, or environmentally sensitive products, as those terms are defined by rule of the commission, [materials]; and

(2) encourage the use of [products made of] recycled, remanufactured, or environmentally sensitive products [materials].

(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.

SECTION 7. Section 2155.448, Government Code, is amended to read as follows:

Sec. 2155.448. EXPENDITURES FOR RECYCLED, REMANUFACTURED, OR ENVIRONMENTALLY SENSITIVE COMMODITIES OR SERVICES ~~[MATERIALS]~~.

(a) Each state fiscal year, the commission, in coordination with the Recycling Market Development Board, by rule may identify recycled, remanufactured, or environmentally sensitive commodities or services, as those terms are defined by rule of the commission, and designate purchasing goals for the procurement of those commodities and services by state agencies for that fiscal year ~~[A state agency shall spend not less than eight percent of its consumable procurement budget for each fiscal year for goods that have recycled material content or that are remanufactured or environmentally sensitive, as those terms are defined by the commission].~~

(b) A state agency that intends to purchase a commodity or service that accomplishes the same purpose as a commodity or service identified under Subsection (a) that does not meet the definition of a recycled product or that is not remanufactured or environmentally sensitive, as those terms are defined by rule of the commission, shall include with the procurement file a written justification signed by the executive head of the agency stating the reasons for the determination that the commodity or service identified by the commission will not meet the requirements of the agency ~~[Not later than January 1 of each year, a state agency shall deliver a~~

~~report of the total expenditures in the areas subject to Subsection (a) and the amount spent in each category for the previous fiscal year to the Legislative Budget Board].~~

(c) A state agency shall report in its annual financial report, and in an annual report to the commission at a date and in a manner and form prescribed by the commission, the expenditures made during the preceding state fiscal year for each of the commodities or services identified under Subsection (a). The report must at a minimum identify the total amount spent on those commodities and services and the total amount spent for commodities and services purchased that accomplish the same purpose. Additionally, state agencies shall report the amount spent for all other recycled, remanufactured, and environmentally sensitive commodities and services by type of commodity and service as prescribed by the commission.

SECTION 8. Section 2156.121, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commission shall determine whether to delegate sole oversight of the acquisition to a state agency or to retain oversight of the procurement.