



TEXAS REAL ESTATE COMMISSION

PROCUREMENT PLAN

Pursuant to Texas Government Code, Title 10, Subtitle D, Section 2155.132

NOVEMBER 30, 2007

**TEXAS REAL ESTATE COMMISSION
PROCUREMENT PLAN
NOVEMBER 30, 2007**

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TEXAS REAL ESTATE COMMISSION ORGANIZATION CHART OF THE PURCHASING DIVISION

The Purchasing Division is within the Staff Services Division of the Texas Real Estate Commission (TREC). It consists of the following positions:

1. **Purchaser VI-** purchasing of furniture, equipment (including computer and telecommunications), supplies and services for the Texas Real Estate Commission (TREC) and the Texas Appraiser Licensing & Certification Board (TALCB); delivery and acceptance of items ordered; invoice verification and payment approval; contract administration
2. **Administrative Assistant III** - assists with purchasing of routine supply items; going to TIBH Central Supply Store, ordering items available on term contracts and TXMAS contracts through the Comptroller Texas Procurement and Support Services (TPASS); procure spot purchase items less than \$2,500.

PURCHASE REQUISITION INITIATION AND APPROVAL PROCESS

A Purchase Requisition Form is prepared by program personnel desiring goods or services. The requisition form must be approved (in writing) by the Division Director of the requesting division. Division Directors have authority to approve purchases up to \$1,000.00. Purchase requests exceeding \$1,000.00 require approval by the TREC Assistant Administrator or TREC Administrator. The approved requisition form is sent to the Purchaser V (Purchaser) in the Staff Services Division. The Purchaser reviews the requisition then forwards it to the Director of Staff Services for review and/or approval. All routine requisitions (e.g. envelopes, paper, postage, supplies, etc.) are approved by the Director of Staff Services. Upon necessary approvals, purchase requisition forms are sent back to the Purchaser for processing.



MEMORANDUM

TO: Karen Alexander, Director of Staff Services
Sandy Jones, Purchaser

FROM: Tim Irvine, Administrator

DATE: September 4, 2007

RE: State Small Purchase Procurement Card

A handwritten signature in black ink, appearing to be "Tim Irvine", is written over the "RE:" line of the memorandum.

You are authorized to have one procurement card (Mastercard Credit Card) issued to the Texas Real Estate Commission under the provisions of the current state contract with JP Morgan Chase Bank (or its successor). The procurement card is designed as a payment method. All purchasing statutes, rules, policies and procedures must be adhered to when utilizing the procurement card.

This procurement card is to be used only for purchases that have received prior written approval (completed requisition form) of the Administrator, Assistant Administrator, Director of Staff Services, or the Texas Appraiser Licensing and Certification Board Commissioner or Assistant Commissioner. The procurement card is to be secured in the Staff Services safe.

Monthly reports on procurement card usage are to be initiated by the Director of Staff Services and may be requested for review periodically by the Administrator or the Assistant Administrator.

TEXAS REAL ESTATE COMMISSION

22 TAC RULE §534.7 Vendor Protest Procedures

- (a) The commission adopts by reference the rules promulgated by the Texas Building and Procurement Commission regarding purchasing protest procedures as set forth in Subchapter A of 1 TAC §111.3.
- (b) The commission shall maintain documentation about the purchasing process to be used in the event of a protest by maintaining current information regarding applicable statutory law, administrative rules, and guidelines affecting the purchasing process.
-

22 TAC §111.3 Protests/Dispute Resolution/Hearing

- (a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the procurement director. Such protests must be in writing and received in the procurement director's office within 10 working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested. Formal protests must conform to the requirements of this subsection and subsection (c) of this section, and shall be resolved in accordance with the procedure set forth in subsections (d) and (e) of this section. Copies of the protest must be mailed or delivered by the protesting party to the using agency and other interested parties. For the purposes of this section, "interested parties" means all vendors who have submitted bids or proposals for the contract involved.
- (b) In the event of a timely protest or appeal under this section, the state shall not proceed further with the solicitation or with the award of the contract unless the executive director, after consultation with the using agency and the procurement director, makes a written determination that the award of contract without delay is necessary to protect the best interests of the state.
- (c) A formal protest must be sworn and contain:
- (1) a specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
 - (2) a specific description of each act alleged to have violated the statutory or regulatory provision(s) identified in paragraph (1) of this subsection;
 - (3) a precise statement of the relevant facts;
 - (4) an identification of the issue or issues to be resolved;
 - (5) argument and authorities in support of the protest; and
 - (6) a statement that copies of the protest have been mailed or delivered to the using agency and other identifiable interested parties.
- (d) The procurement director shall have the authority, prior to appeal to the executive director of the commission, to settle and resolve the dispute concerning the solicitation or award of a contract. The procurement director may solicit written responses to the protest from other interested parties.
- (e) If the protest is not resolved by mutual agreement, the procurement director will issue a written determination on the protest.

(1) If the procurement director determines that no violation of rules or statutes has occurred, he shall so inform the protesting party, the using agency, and other interested parties by letter which sets forth the reasons for the determination.

(2) If the procurement director determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he shall so inform the protesting party, the using agency, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.

(3) If the director determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he shall so inform the protesting party, the using agency, and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

(f) The director's determination on a protest may be appealed by the protesting party to the executive director of the commission. An appeal of the director's determination must be in writing and must be received in the executive director's office no later than 10 working days after the date of the director's determination. The appeal shall be limited to review of the director's determination. Copies of the appeal must be mailed or delivered by the protesting party to the using agency and other interested parties and must contain a certified statement that such copies have been provided.

(g) The executive director may confer with general counsel in his review of the matter appealed. The executive director may, in his discretion, refer the matter to the commissioners for their consideration at a regularly scheduled open meeting or issue a written decision on the protest.

(h) When a protest has been appealed to the executive director under subsection (f) of this section and has been referred to the commissioners by the executive director under subsection (g) of this section, the following requirements shall apply:

(1) Copies of the appeal and responses of interested parties, if any, shall be mailed to the commissioners.

(2) All interested parties who wish to make an oral presentation at the open meeting are requested to notify the commission general counsel at least 48 hours in advance of the open meeting.

(3) The commissioners may consider oral presentations and written documents presented by staff and interested parties. The chairman shall set the order and amount of time allowed for presentations.

(4) The commissioners' determination of the appeal shall be by duly adopted resolution reflected in the minutes of the open meeting, and shall be final.

(i) Unless good cause for delay is shown or the commission determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.

(j) A decision issued either by the commissioners in open meeting, or in writing by the executive director, shall be the final administrative action of the commission.

TEXAS REAL ESTATE COMMISSION PROCUREMENT TRAINING AND CERTIFICATION REQUIREMENTS

PROCUREMENT TRAINING REQUIREMENTS:

1. Level One (Texas Basic Public Purchasing) - This is an entry level survey course of the principles of public purchasing used in Texas.

Employees of the Texas Real Estate Commission that are required to have Level One training are as follows:

- | | |
|---|--------------------------------|
| 1) Purchaser V - Sandy Jones | Completed August 16-18, 1999 |
| 2) Director of Staff Services - Karen Alexander | Completed April 12-14, 1999 |
| 3) Administrative Assistant III - Myra Martin | Completed February 21-22, 2007 |

2. Level Two (Texas Advanced Public Purchasing) - Level two is a more in-depth look at the purchasing techniques and concepts introduced in Basic Public Purchasing.

Employees of the Texas Real Estate Commission that are required to have Level Two training are as follows:

- | | |
|---|--------------------------------|
| 1) Purchaser V - Sandy Jones | Completed November 15-17, 1999 |
| 2) Director of Staff Services - Karen Alexander | Completed June 7-9, 1999 |

3. Level Three (CNC) - Consists of three individual one-day courses offered back-to-back. The courses are:

- C Contract Administration
- C Negotiation Skills
- C Cost & Price Analysis

Employees of the Texas Real Estate Commission that are required to have Level Three (CNC) training are as follows:

- | | |
|------------------------------|---------------------------|
| 1) Purchaser V - Sandy Jones | Completed March 5-6, 2002 |
|------------------------------|---------------------------|

PROCUREMENT CERTIFICATION REQUIREMENTS:

1. Level One Certification (Certified Texas Public Purchaser -CTP): Requires one year of experience and successful completion of a written test. Employee must have taken the Texas Basic Public Purchasing (or equivalent) and Texas Advanced Public Purchasing training courses.

Employees at the Texas Real Estate Commission that are required to have Level One Certification are as follows:

- | | |
|------------------------------|-----------------------------------|
| 1) Purchaser V - Sandy Jones | CTP certification issued 2/7/2001 |
| | Last Renewal Date: 6/1/2003 |
| | Expiration Date: 3/1/2008 |
| | Certificate Number: 10332 |

**TEXAS REAL ESTATE COMMISSION
PROCUREMENT TRAINING AND CERTIFICATION REQUIREMENTS**

EMPLOYEE NAME AND E-MAIL ADDRESS	JOB TITLE	TRAINING LEVEL	CERTIFICATION LEVEL	COMPLETION DATE	LAST RENEWAL DATE	EXPIRATION DATE
Sandy Jones sandy.jones@trec.state.tx.us	Purchaser VI	1	N/A	N/A	N/A	N/A
Karen Alexander karen.alexander@trec.state.tx.us	Director of Staff Services	1	N/A	N/A	N/A	N/A
Sandy Jones sandy.jones@trec.state.tx.us	Purchaser VI	2	1	CTP issued 2/7/2001	6/1/2003	3/1/2008
Karen Alexander karen.alexander@trec.state.tx.us	Director of Staff Services	2	N/A	N/A	N/A	N/A
Sandy Jones sandy.jones@trec.state.tx.us	Purchaser VI	3	2	CTPM issued 5/28/2002	6/1/2003	6/1/2008

Contingency Plan for Purchasing:

In the event of the absence of the CTP or CTPM for the Texas Real Estate Commission and there is a need for procurement of items requiring certification (over \$25,000), the Texas Real Estate Commission will perform an interagency agreement with another state agency (Texas Board of Nurse Examiners) for procurement services as necessary. The Texas Real Estate Commission would provide the same agreement for the Texas Board of Nurse Examiners if they are in need of a CTP or CTPM to procure items over \$25,000.



TEXAS REAL ESTATE COMMISSION

Mailing Address: P.O. BOX 12188 • AUSTIN, TEXAS • 78711-2188

Phone: (512) 459-6544 Fax: (512) 465-3908

World Wide Web: <http://www.trec.state.tx.us>

September 4, 2007

Texas Comptroller of Public Accounts
Procurement Division
P.O. Box 13186
Austin, TX 78711-3186

Re: Authorization Signature

Attn: Procurement Review Section

Please be advised that your records should show my signature for approvals of agency membership fees and proprietary justification letters.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy K. Irvine", written over the word "Sincerely,".

Timothy K. Irvine
Administrator
(512)465-3900



TEXAS REAL ESTATE COMMISSION

Mailing Address: P.O. BOX 12188 • AUSTIN, TEXAS • 78711-2188

Phone: (512) 459-6544 Fax: (512) 465-3908

World Wide Web: <http://www.trec.state.tx.us>

September 4, 2007

Texas Comptroller of Public Accounts
Procurement Division
P.O. Box 13186
Austin, TX 78711-3186

Re: Authorized Purchasers

To Whom It May Concern:

Below you will find a list of personnel authorized to purchase for the Texas Real Estate Commission:

JOB TITLE	EMPLOYEE NAME	SIGNATURE
Purchaser	Sandy Jones	<i>Sandy Jones</i>
Director of Staff Services	Karen Alexander	<i>Karen Alexander</i>
Administrative Assistant	Myra Martin	<i>Myra Martin</i>

If you have any questions, please call me at 465-3900.

Sincerely,

Timothy K. Irvine
Administrator

TERMS AND CONDITIONS:
ITEMS BELOW APPLY TO AND BECOME PART OF BID.
ANY EXCEPTIONS THERETO MUST BE IN WRITING.

1. BIDDING REQUIREMENTS:

- 1.01. Bidders must comply with all rules, regulations and statutes relating to purchasing in the State of Texas in addition to the requirements of this form.
- 1.02. Bids should be submitted on this form. Bidders must price per unit shown. Unit prices shall govern in the event of extension errors. If a price quotation is submitted as part of the bid, the quotation must be referenced on the bid document and signed by the bidder to establish formal linkage to the bid.
- 1.03. Bids must be time stamped at Texas Real Estate Commission (TREC) on or before the hour and date specified for the bid opening.
- 1.04. Late and/or unsigned bids will not be considered under any circumstances. Person signing bid must have the authority to bind the firm in a contract.
- 1.05. Quote FOB destination, freight prepaid and allowed unless otherwise stated within the specifications.
- 1.06. Bid prices are requested to be firm for TREC acceptance for 30 days from bid opening date. "Discount from list" bids are not acceptable unless requested. Cash discounts are not considered in determining an award. Cash discounts offered will be taken if earned.
- 1.07. Bidder should enter Texas Identification Number System (TINS) number, full firm name and address of bidder on the face of this form. Enter in the space provided, if not shown. Additionally, firm name should appear on each continuation page of a bid, in the block provided in the upper right hand corner.
- 1.08. Bid cannot be altered or amended after opening time. Alterations made before opening time should be initialed by bidder or his authorized agent. No bid can be withdrawn after opening time without approval by the TREC based on an acceptable written reason.
- 1.09. Purchases made for State use are exempt from the State Sales tax and Federal Excise tax. Do not include tax in bid. Excise Tax Exemption Certificates are available upon request.
- 1.10. **AWARD NOTICE:** The State reserves the right to make an award on the basis of low line item bid, low total of line items, or in any other combination that will serve the best interest of the State and to reject any and all bid items at the sole discretion of the State. The State also reserves the right to accept or reject all or any part of any bid, waive minor technicalities and award the bid to best serve the interests of the State. Any contract may also be extended up to three months at the sole discretion of the State.
- 1.11. Consistent and continued tie bidding could cause rejection of bids by the TREC and/or investigation for antitrust violations.
- 1.12. The telephone number for FAX submission of bids is 1-512-463-1400. This is the only number that will be used for the receipt of bids. The State shall not be responsible for failure of electronic equipment or operator error. Late, illegible, incomplete, or otherwise non-responsive bids will not be considered.
- 1.13. Inquiries pertaining to IFBs must include the requisition number, class/item codes, and opening date.

2. SPECIFICATION:

- 2.01. Catalogs, brand names or manufacturer's references are descriptive only, and indicate type and quality desired. Bids on brands of like nature and quality will be considered unless advertised under Texas Government Code, Title 10, Subtitle D, Section 2155.067. If bidding on other than references, bid should show manufacturer, brand or trade name, and other description of product offered. If other than brand(s) specified is offered, illustrations and complete description of product offered are requested to be made part of the bid. Failure to take exception to specifications or reference data will require bidder to furnish specified brand names, numbers, etc.
- 2.02. Unless otherwise specified, items shall be new and unused and of current production.
- 2.03. All electrical items must meet all applicable OSHA standards and regulations, and bear the appropriate listing from UL, FMRC or NEMA.
- 2.04. Samples, when requested, must be furnished free of expense to the State. If not destroyed in examination, they will be returned to the bidder, on request, at bidder's expense. Each sample should be marked with bidder's name and address, and requisition number. Do not enclose in or attach bid to sample.
- 2.05. The State will not be bound by any oral statement or representation contrary to the written specifications of this Invitation for Bids (IFB).
- 2.06. Manufacturer's standard warranty shall apply unless otherwise stated in the IFB.

3. TIE BIDS:

Awards will be made in accordance with TAC Rule 113.6 (b) (3) and 113.8 (Preferences).

4. DELIVERY:

- 4.01. Show number of days required to place material in receiving agency's designated location under normal conditions. Delivery days mean calendar days, unless otherwise specified. Failure to state delivery time obligates bidder to deliver in 14 calendar days. Unrealistic delivery promises may cause bid to be disregarded.
- 4.02. If delay is foreseen, vendor shall give written notice to the TREC and the ordering agency. Vendor must keep the TREC and ordering agency advised at all times of status of order. Default in promised delivery (without accepted reasons) or failure to meet specifications authorizes the TREC to purchase supplies elsewhere and charge full increase, if any, in cost and handling to defaulting vendor.
- 4.03. No substitutions permitted without written approval of TREC.
- 4.04. Delivery shall be made during normal working hours only, unless prior approval has been obtained from ordering agency.

5. INSPECTION AND TESTS:

All goods will be subject to inspection and test by the State. Authorized TREC personnel shall have access to supplier's place of business for the purpose of inspecting merchandise. Tests shall be performed on samples submitted with the bid or on samples taken from regular shipment. All costs shall be borne by the vendor in the event products tested fail to meet or exceed all conditions and requirements of the specification. Goods delivered and rejected in whole or in part may, at the State's option, be returned to the vendor or held for disposition at vendor's expense. Latent defects may result in revocation of acceptance.

6. AWARD OF CONTRACT:

A response to this IFB is an offer to contract based upon the terms, conditions, and specifications contained herein. Bids do not become contracts until they are accepted through an open market purchase order. The contract shall be governed, construed, and interpreted under the laws of the State of Texas. The factors listed in Texas Government Code, Title 10, Subtitle D, Section 2155.074, 2155.144, 2156.007, and 2157.003 shall also be considered in making an award when specified. Any legal actions must be filed in Travis County, Texas.

7. PAYMENT:

Vendor shall submit 1 original copy of an itemized invoice showing the agency requisition number. The State will incur no penalty for late payment if payment is made in 30 or fewer days from receipt of goods or services and an uncontested invoice.

8. PATENTS OR COPYRIGHTS:

The vendor agrees to protect the State from claims involving infringement of patents or copyrights.

9. VENDOR ASSIGNMENTS:

Vendor hereby assigns to ordering agency any and all claims for overcharges associated with this contract arising under the antitrust laws of the United States 15 U.S.C.A. Section 1, et seq. (1973), and the antitrust laws of the State of Texas, TEX. Bus. & Comm. Code Ann. Sec. 15.01, et seq. (1967).

10. BIDDER AFFIRMATION:

Signing this bid with a false statement is a material breach of contract and shall void the submitted bid or any resulting contracts, and the bidder shall be removed from all bid lists. By signature hereon affixed, the bidder hereby certifies that:

- 10.01. The bidder has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted bid.
- 10.02. Neither the bidder nor the firm, corporation, partnership, or institution represented by the bidder, or anyone acting for such firm, corporation or institution has violated the antitrust laws of this State or the Federal Antitrust Laws (see section 9, above), nor communicated directly or indirectly the bid made to any competitor or any other person engaged in such line of business.
- 10.03. Pursuant to Section 2155.004, Government Code, the bidder has not received compensation for participation in the preparation of the specifications for this IFB.
- 10.04. Pursuant to Section 231.006 (d), Family Code, re: child support, the bidder certifies that the individual or business entity named in this bid is not ineligible to receive the specified payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.
- 10.05. Under Section 2155.004, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.
- 10.06. The Contractor shall defend, indemnify, and hold harmless the State of Texas, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities, arising out of, connected with, or resulting from any acts or omissions of contractor or any agent, employee, subcontractor, or supplier of contractor in the execution or performance of this contract.
- 10.07. Bidder agrees that any payments due under this contract will be applied towards any debt, including but not limited to delinquent taxes and child support that is owed to the State of Texas.
- 10.08. Bidder certifies that they are in compliance with section 669.003 of the Government Code, relating to contracting with executive head of a State agency. If section 669.003 applies, bidder will complete the following information in order for the bid to be evaluated:
 Name of Former Executive: _____
 Name of State Agency: _____
 Date of Separation from State Agency: _____
 Position with Bidder: _____
 Date of Employment with Bidder: _____

- 10.09. Bidder agrees to comply with Government Code 2155.4441, pertaining to service contract use of products produced in the State of Texas.
- 10.10. Contractor understands that acceptance of funds under this contract acts as acceptance of the authority of the State Auditor's Office, or any successor agency, to conduct an audit or investigation in connection with those funds. Contractor further agrees to cooperate fully with the State Auditor's Office or its successor in the conduct of the audit or investigation, including providing all records requested. Contractor will ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Contractor and the requirement to cooperate is included in any subcontract it awards.
- 10.11. The Texas Real Estate Commission (TREC) is federally mandated to adhere to the directions provided in the President's Executive Order (EO) 13224, Executive Order on Terrorist Financing – Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism, effective 9/24/2001 and any subsequent changes made to it via cross-referencing respondents/vendors with the Federal General Services Administration's Excluded Parties List System (EPLS, <http://www.epls.gov>), which is inclusive of the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated National (SDN) list.
- 10.12. Bidder certifies that the bidding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that bidder is in compliance with the State of Texas statutes and rules relating to procurement and that bidder is not listed on the federal government's terrorism watch list as described in executive order 13224. Entities ineligible for federal procurement are listed at <http://www.epls.gov>.

11. Pursuant to Section 231.006 (c), Family Code, bid must include Names and Social Security Numbers of each person with at least 25% ownership of the business entity submitting the bid. Enter Name & Social Security Numbers for each person. This information must be provided prior to contract award.

Name: _____

Social Security Number: _____

12. **NOTE TO BIDDER:**

Any terms and conditions attached to a bid will not be considered unless specifically referred to on this bid form and may result in disqualification of the bid.

13. The dispute resolution process provided for in chapter 2260 of the Texas Government Code must be used by the TREC and the contractor to attempt to resolve all disputes arising under this contract.

14. **NON-APPROPRIATION OF FUNDS:**

The State's funds are contingent on the availability of lawful appropriations by the Texas Legislature. If the Texas Legislature fails to continue funding for the payments due under an order referencing this Contract, the order will terminate as of the date that the funding expires, and the State will have no further obligation to make any payments.

15. Information, documentation, and other material in connection with this solicitation or any resulting contract may be subject to public disclosure pursuant to Chapter 552 of the Texas Government Code (the "Public Information Act"). Any part of the solicitation response that is of a confidential or proprietary nature must be clearly and prominently marked as such by the respondent.

16. **TECHNOLOGY ACCESS CLAUSE:**

- 16.01. The Vendor expressly acknowledges that state funds may not be expended in connection with the purchase of an automated information system unless that system meets certain statutory requirements relating to accessibility by persons with visual impairments. Accordingly, the Vendor represents and warrants to the qualified ordering entity that the technology provided to the qualified ordering entity for purchase is capable, either by virtue of features included within the technology or because it is readily adaptable by use with other technology, of:

- a) Providing equivalent access for effective use by both visual and non visual means;
- b) Presenting information, including prompts used for interactive communications, in formats intended for both visual and non visual use; and
- c) Being integrated into networks for obtaining, retrieving, and disseminating information used by individuals who are not blind or visually impaired.

For purposes of this clause, the phrase "equivalent access" means a substantially similar ability to communicate with or make use of the technology, either directly by features incorporated within the technology or by other reasonable means such as assistive devices or services that would constitute reasonable accommodations under the Federal Americans with Disabilities Act or similar state or federal laws. Examples of methods by which equivalent access may be provided include, but are not limited to, keyboard alternatives to mouse commands and other means of navigating graphical displays and customizable display appearance.

- 16.02. **Exemption Declaration:** Pursuant to the provisions of the Texas Government Code, Chapter 2157.005(d) this requirement is for the purchase of a wireless communication device to be used by peace officers, firefighters, and other emergency response personnel to respond to a public safety emergency. The provisions of the Technology Access Clause do not apply."

17. Any individual who interacts with public purchasers in any capacity is required to adhere to the guidelines established in the Texas Administrative Code, Rule 111.4. The Rule outlines the ethical standards required of public purchasers, employees, and vendors who interact with public purchasers in the conduct of state business. Specifically, a TREC employee may not have an interest in, or in any manner be connected with a contract or bid for a purchase of goods or services by an agency of the state; or in any manner, including by rebate or gift, accept or receive from a person to whom a contract may be awarded, directly or indirectly, anything of value or a promise, obligation, or contract for future reward or compensation. Entities who are interested in seeking business opportunities with the state must be mindful of these restrictions when interacting with public purchasers of TREC or purchasers of other state agencies.

**TEXAS REAL ESTATE COMMISSION
INTERNAL AUTOMATED PURCHASING PROCEDURES**

**A. ACCESSING TPASS ON-LINE PURCHASING SYSTEM
FOR AUTOMATED TERM CONTRACT PURCHASES**

1. On desktop, open On-Line Purchasing
2. Logging into the system
 - A. Username: 329_PU_PR (all caps), press enter
 - B. Password (primary) - This changes periodically, but the current password is located in the Purchaser's keyboard drawer to the left of the keyboard (all caps), enter
 - C. Password (secondary) - SPINDLE (all caps), enter
 - D. Press Enter (return) to continue
 - E. Press Enter (return) to continue
3. Entering a Contract Purchase Requisition
 - A. Under Main Menu, press CP (Contract Purchasing), press enter
 - B. Return to continue
 - C. Press 1 Requisitions, enter
 - D. Press 1 Requisition Entry, enter
 - E. Press 1 Add, enter
 - F. Begin entering requisition information
 1. Enter requisition number (you will be required to enter this number twice)
 2. Press Enter until you are Field (7) - Inv Code; type 329-001, press enter
 3. Press Enter until you are Field (15) - Dest. Code; enter one of the following codes:

329-001	Texas Real Estate Commission P. O. Box 12188 Austin, Texas 78711
329-002	Texas Real Estate Commission 1101 Camino La Costa Receiving Room Austin, Texas 78752
329-010	Texas Real Estate Commission 1101 Camino La Costa Inside Delivery Austin, Texas 78752

Instead of typing in a code, you may also type in the blank fields.

4. Press Enter until you are at Field (23) Contact; enter contact name,
5. Go to Field (24) and enter contact phone number.
6. Press Enter until you are at the next screen.
7. Begin typing requisition information. Press enter to advance to next field.
8. See list of commodity codes for routine contract purchases.

9. Continue pressing Enter until you reach Review Rejects? press N.
 10. Type T for Try to Release, enter.
 11. Press Enter two times.
 12. Type Y to Show P.O., enter.
 13. P.O. information should appear on screen. Copy this to WordPerfect.
 - a) Highlight all of text. At top left of screen, click on Edit, Copy.
 - b) Open a new blank document in WordPerfect.
 - c) Click paste. The p.o. should be copied into a WordPerfect document that can be printed out.
 - d) At bottom of screen, maximize TelNet, press enter. If all of p.o. did not fit on one page, then repeat steps 13 a) thru c) above.
-
4. Accessing Vendor Mail List
 - A. Under Main Menu, press OM (Open Market), enter
 - B. Press 2 Vendor Mail List, enter
 - C. Enter Commodity Class, enter
 - D. Enter Commodity Item, enter
 - E. Continue as guided by program
 5. Logging off of system
 - A. Go back to Previous Menu or Top Menu, enter and follow directions until you see a menu with the LO for Log Out.
 - B. Press LO, enter
 - C. Type LOGO again
 6. To exit a menu at any time, press Escape (Esc) key, O, R (all caps)

For Help:

See TPASS On-Line Purchasing Procedures Manual
and TPASS Web Site at: <http://www.window.state.tx.us/procurement/pub/autopurch/>

B. ENTERING PURCHASE ORDERS USING VENICE PURCHASING SOFTWARE

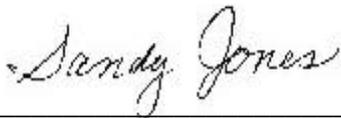
- 1) Log in using user name and password.
- 2) Click on Purchase Order.
- 3) When asked if you want to create new P.O. , choose "yes". A blank p.o. screen will appear.
- 4) Change Fiscal Year if necessary
- 5) Enter p.o. number (use next number in Purchase Requisition Log)
- 6) Complete Description field with brief general description
- 7) Select Department
- 8) Select Purchaser

- 9) Select Vendor
 - a) Click on eyeglasses icon.
 - b) Click on letter for faster retrieval
 - c) Select vendor
- 10) Complete Item Description
 - a) Quantity
 - b) Unit of measure
 - c) Unit cost
- 11) Click on General tab at bottom of screen
 - a) P.O. Type (use drop down menu)
- 12) Click on Items tab at bottom of screen
 - a) Object of expense (comp object code)
 - b) Class and Item if applicable
- 13) Click on Item Account
 - a) Using right mouse button, select Add
 - b) Complete FY, tab; account code (PCA), tab; 100% or dollar amount of item
 - c) If multiple items, go back to General tab and scroll to next item using arrow keys (cursor must be in the Item field).
- 14) Save (use icon on tool bar)
- 15) Click on P.O. tab
- 16) Change p.o. status from "PO in Progress" to "PO Ready for Approval" by clicking and selecting from drop down menu.
 - a) Click OK
 - b) Click Yes
 - c) Click Yes
 - d) Click No
- 17) Save again. (PO status should now read "PO Ready to Send").
- 18) Click on Print icon on tool bar.
 - a) Print
 - b) Status should now read "PO Sent"
- 19) Save again.
- 20) Close by clicking on X or enter new p.o. by clicking on New PO.

CONFLICT OF INTEREST
TEXAS GOVERNMENT CODE TITLE 10 SUBTITLE D
SECTION 2155.003

No member of the Commission or any employee or appointee of the Commission shall be interested in, or in any manner connected with, any contract or bid for furnishing supplies, materials, services, and equipment of any kind to any agency of the State of Texas. Neither shall any member or employee or appointee, under penalty of dismissal, accept or receive from any person, firm, or corporation to whom any contract may be awarded, directly or indirectly, by rebate, gift, or otherwise, any money or other thing of value whatever, nor shall he receive any promise, obligation, or contract for future reward or compensation from any such party.

I, certify that I have read and understand the above statement.



Employee Signature

November 25, 2003
Date

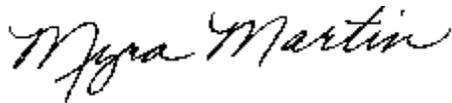
Sandy Jones
Printed Name

cc: Personnel File
Supervisor's File

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I, certify that I have read and understand the above statement.



Employee Signature

November 25, 2003
Date

Myra Martin
Printed Name

cc: Personnel File
Supervisor's File

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I, certify that I have read and understand the above statement.



Employee Signature

November 25, 2003
Date

Karen Alexander
Printed Name

cc: Personnel File
Supervisor's File

**TEXAS REAL ESTATE COMMISSION
HISTORICALLY UNDERUTILIZED BUSINESS (HUB)
POLICY AND ACTION PLAN FOR INCREASING HUB PURCHASES**

The Texas Real Estate Commission (TREC) is committed to making a good faith effort to increase business with Historically Underutilized Businesses (HUBs). The TREC actively encourages purchasing from HUBs to provide goods and services for the agency's operations. The agency's goal is to award 30% of its overall expenditures to HUBs.

In addition to complying with the Texas Building and Procurement Commission (TBPC) HUB program rules, our good faith efforts to promote HUB participation include the following:

- *Utilizing HUB vendors for non-competitive spot purchases of \$5,000 or less, whenever possible
- *Soliciting a minimum of three (3) certified HUB vendors for purchases over \$5,000.
- *Attending HUB related meeting and forums to network with vendors and gain new knowledge of HUB vendors
- *Encourage and assist vendors who qualify as HUB vendors to become HUB certified by TBPC and to maintain their HUB certification
- *Encourage non-HUB vendors to sub-contract with certified HUB vendors
- *Exceeding bid advertisement requirement of obtaining more than two HUB bids from the CMBL on purchases over \$2,000.00
- *Maintain positive working relationships with current HUB vendors

The Texas Real Estate Commission will continue to actively seek ways to increase and promote HUB participation for agency expenditures.

**TEXAS REAL ESTATE COMMISSION
INTERNAL PURCHASING PROCEDURES
FOR EXCLUDED PARTIES LIST SYSTEM (EPLS)**

The Texas Real Estate Commission will comply with the United States Executive Order (EO) 13224 which prohibits any government entity from doing business of any kind with people, organizations, businesses, countries and other entities that are on the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated Nationals (SDN) list.

Prior to making an award for any delegated purchase or prior to the renewal of a contract, the Texas Real Estate Commission will conduct a search through the EPLS website (<http://www.epls.gov>) for the vendor's company name and name of individual signing bid document.

For routine "spot purchases", the Texas Real Estate Commission will conduct a quarterly search of the EPLS for each vendor used. EPLS printouts of frequently used vendors will be maintained in a binder in the Purchaser's office. Copies of these printouts will be made as required for auditing purposes.