TEXAS REAL ESTATE COMMISSION

PROCUREMENT PLAN

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

NOVEMBER 30, 2011

TEXAS REAL ESTATE COMMISSION
PROCUREMENT PLAN
NOVEMBER 30, 2011

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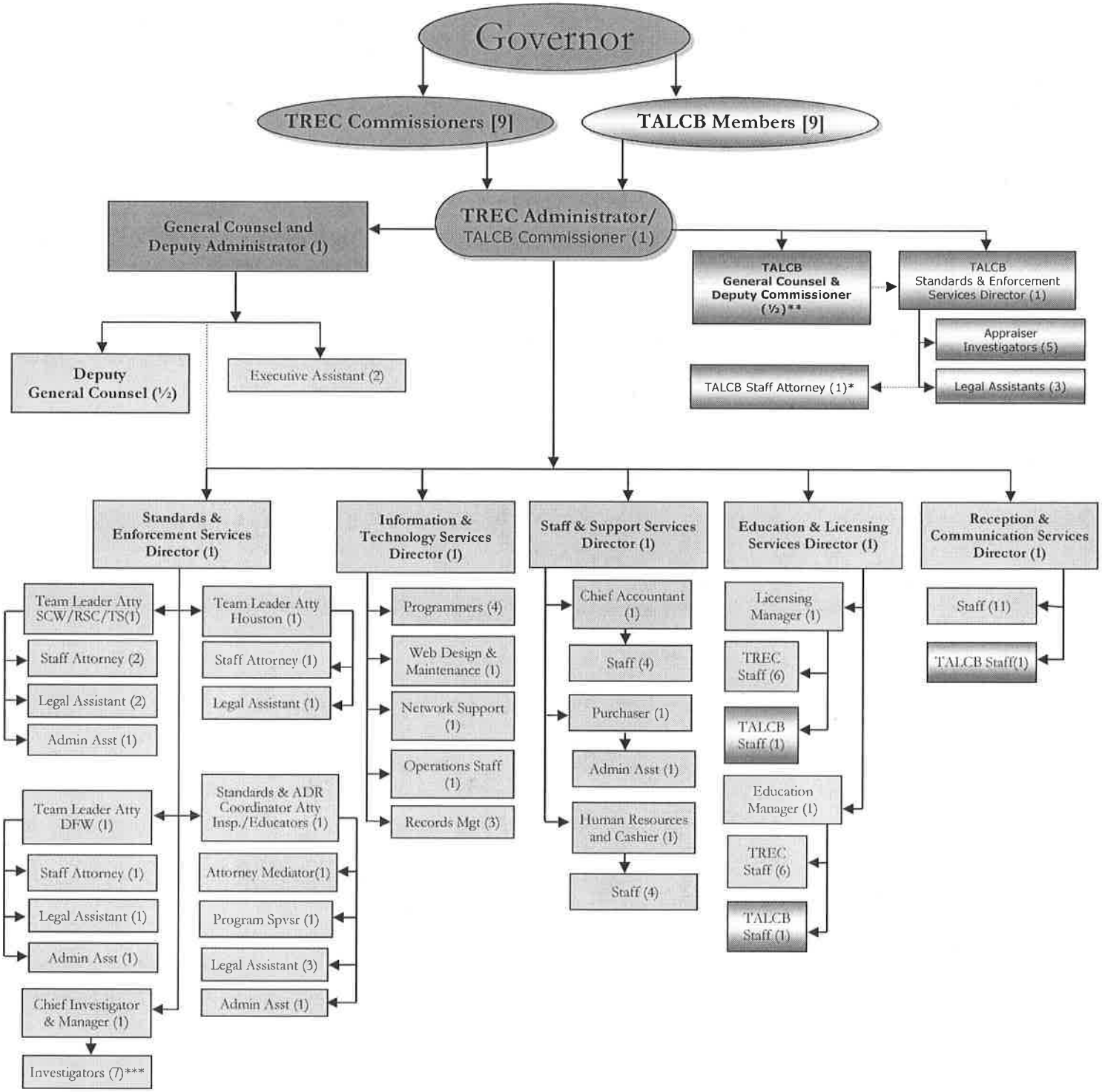
TEXAS REAL ESTATE COMMISSION
PURCHASING DEPARTMENT

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

1. **Purchaser VI (Purchaser)** – Procurement of information technology, computer hardware and software, telecommunications, services, furniture, supplies and any other commodity or project needed for the Texas Real Estate Commission (TREC) and the Texas Appraiser Licensing & Certification Board (TALCB); Discusses procurement needs with agency personnel and performs necessary research to develop specifications as required for solicitations in Request for Offers (RFO), Request for Proposals (RFP) and Invitation for Bids (IFB); accepts deliveries and distributes products ordered to requesting users; verifies invoices and authorizes payment; resolves and/or disputes invoice discrepancies; ensures contract administration and compliance as required. Monitors and ensures compliance with legal and regulatory requirements pertaining to purchasing. The Purchaser is also the Historically Underutilized Business (HUB) Coordinator, State Use Coordinator, and Recycling Coordinator for the agency. The Purchaser VI is a State of Texas Certified Texas Procurement Manager (CTPM).

2. **Administrative Assistant IV (Purchasing Assistant)** - Purchases routine supply items as required from the TIBH Central Supply Store and other sources. Processes purchase orders for items available on the Comptroller Texas Procurement and Support Services (TPASS) term contracts and TXMAS contracts using the Texas Smart Buy system and/or the TPASS automated purchasing system. Assists with purchasing information technology items using the Department of Information Resources (DIR) contracts; procures spot purchase items less than $5,000. Accepts deliveries and distributes items/products to requesting users; prepares payment authorization documentation for the Purchaser to review prior to Accounting processing the purchase voucher.

TREC/TALCB Organization Chart



* TALCB staff attorney is administratively supervised by TREC Director of Enforcement.

** TREC Deputy General Counsel/TALCB General Counsel & Deputy Commissioner positions are held by same person

*** Investigators are assigned to work with one or more of the four geographic and topic area teams

TEXAS REAL ESTATE COMMISSION

APPRAISER LICENSING & CERTIFICATION BOARD

MEMORANDUM

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

FROM: Douglas E. Oldmixon, Administrator

RE: State Small Purchase Procurement Card

DATE: November 28, 2011

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 Citicard (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 & Support Services/Chief Financial Officer (CFO), Chief Accountant in the absence of the CFO, or the Texas Appraiser Licensing and Certification Board Commissioner. The procurement card is to be secured in the safe located in the Staff and Support Services division.

TREC / TALCB Distribution:

Initials/Date		Initials/Date		Initials/Date	
_____	TREC Commission Members	_____	Reception & Communication	_____	Staff & Support Services
_____	Administrator/ Commissioner	_____	Education & Licensing	_____	Information & Technology
_____	Deputy Administrator/ General Counsel	_____	TREC Standards & Enforcement	_____	TALCB Board Members
_____	Deputy General Counsel	_____	TREC Investigators	_____	TALCB Standards & Enforcement

TEXAS REAL ESTATE COMMISSION

22 TAC RULE §534.7 Vendor Protest Procedures

(a) The commission adopts by reference the rules promulgated by the Comptroller of Public Accounts Texas Procurement and Support Services 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:

The TPASS training program contains three (3) levels of training and two (2) levels of formal certification.

1. Purchases ranging from $0 - $25,000 State purchasing personnel must complete TPASS's Basic Public Purchasing (BPP) class within their first six-months of employment with an agency. No certification is required.

2. Competitive Purchases ranging from $25,000.01 to $100,000 Certified Texas Purchaser's (CTP) certification is required. To earn this certification the person must have at least one year of purchasing experience and complete the Texas Basic (BPP) and Advanced (APP) Public Purchasing classes (or have the current equivalent certification from a national purchasing association) and pass the CTP exam.

3. Competitive Purchases over $100,000 Certified Texas Procurement Manager's (CTPM) certification is required. To earn this certification the person must have at least three years of purchasing experience and complete the Texas Basic (BPP) and Advanced (APP) Public Purchasing classes and the Texas Cost and Price Analysis, Negotiations, and Contract Administration (CNC) course (or have the current equivalent certification from a national purchasing association) and pass the CTPM exam.

PURCHASING AUTHORITY	TRAINING	EXPERIENCE	CERTIFICATION
Zero to $25,000	BPP	None Required	None Required
$25,000.01 to $100,000	BPP & APP	One Year	CTP
Over $100,000	BPP, APP, & CNC	Three Years	CTPM

A state agency employee who is required to receive the training may not participate in purchases by the employing agency unless the employee has received the required training from TPASS, or received equivalent training from a national association recognized by TPASS.

1. Level One - Basic Public Purchasing (BPP) - 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 and have completed Level One training are as follows:

a) Purchaser VI - Sandy Jones — Completed August 16-18,1999

b) Director of Staff & Support Services - Karen Alexander — Completed April 12-14, 1999

c) Administrative Assistant IV - 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 have completed Level Two training are as follows:

a) Purchaser VI - Sandy Jones — Completed November 15-17, 1999

b) Director of Staff & Support Services - Karen Alexander — Completed June 7-9, 1999

c) Administrative Assistant IV - Myra Martin — Completed June 17-18, 2008

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

- Contract Administration
- Negotiation Skills
- Cost & Price Analysis

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

a) Purchaser VI - 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 a minimum of Level One Certification are as follows:

a) Purchaser VI - Sandy Jones — CTP certification issued 2/7/2001 No. 10332
Expiration Date: 3/1/2008 *

*NOTE: CTP certification was not renewed because Purchaser has CTPM certification (see Item 2 below).

b) Myra Martin plans to pursue Level One Certification (CTP).

2. Level Two Certification (Certified Texas Procurement Manager- CTPM): Requires three years experience and successful completion of a written test. Employee must have completed the following courses: Texas Basic Public Purchasing (or equivalent); Texas Advanced Public Purchasing; Contract Administration, Negotiation Skills, and Cost & Price Analysis.

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

a) Purchaser VI - Sandy Jones — CTPM certification issued 5/28/2002
Last Renewal Date: 6/1/2008
Expiration Date: 6/1/2013
Certificate Number: B1331

MAINTAINING CERTIFICATIONS

If an employee is both CTP and CTPM certified, the CTPM certification overrides the CTP certification and the only requirement is to maintain continuing education credits towards CTPM certification. Certifications are renewed every five (5) years. To maintain CTPM certification, 120 hours of continuing education is required beginning from the issue date or last renewal date of the Texas Certification. The hours may be averaged over a five (5) year period with no more than 45 hours during any one year period. It is recommended that the Purchaser obtain 24 hours of continuing education per calendar year.

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
Myra Martin myra.martin@trec.state.tx.us	Administrative Assistant IV	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
Myra Martin myra.martin@trec.state.tx.us	Administrative Assistant IV	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	6/1/2008	6/1/2013

* Sandy Jones did not renew CTP certification because she is maintaining her CTPM certification. Dual certification is optional.

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

APPRAISER LICENSING & CERTIFICATION BOARD

TREC Commissioners

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Chair

Joanne Justice
Vice Chair

Jaime Blevins Hensley
Secretary

Troy C. Alley, Jr.

Adrian A. Arriaga

Robert C. (Chris) Day

Bill L. Jones

Weston Martinez

Dona Scurry

Douglas E. Oldmixon
Administrator

TALCB Board Members
Luis F. De La Garza, Jr
Chair

Walker Beard
Vice Chair

Sheryl R. Swift
Secretary

Malachi Boyuls

Laurie C. Fontana

Mark A. McAnally

Shannon K. McClendon

Donna J. Walz

Jamie S. Wickliffe

Douglas E. Oldmixon
Commissioner

November 28, 2011

Texas Procurement and Support Services
Attn: Procurement Review
Comptroller of Public Accounts
1711 San Jacinto Blvd.
Austin, TX 78701

Re: Authorization Signature

To Whom It May Concern:

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

If you have any questions, please call me at 936-3088.

Sincerely,

Douglas E. Oldmixon
Administrator, TREC
Commissioner, TALCB

TEXAS REAL ESTATE COMMISSION

REAL ESTATE COMMISSION

APPRAISER LICENSING & CERTIFICATION BOARD

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Shannon K. McClendon

Donna J. Walz

Jamie S. Wickliffe

Douglas E. Oldmixon
Commissioner

November 28, 2011

Texas Procurement and Support Services
Attn: Procurement Review
Comptroller of Public Accounts
1711 San Jacinto Blvd.
Austin, TX 78701

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 and the Texas Appraiser Licensing and Certification Board. If you have any questions, please call me at 936-3088.

Sandy Jones
Sandy Jones, Purchaser (CTPM)

Myra Martin
Myra Martin, Administrative Assistant

Karen Alexander
Karen Alexander, Director of Staff & Support Services

Sincerely,

Douglas E. Oldmixon
Administrator, TREC
Commissioner, TALCB

TEXAS REAL ESTATE COMMISSION

REAL ESTATE COMMISSION

APPRAISER LICENSING & CERTIFICATION BOARD

MEMORANDUM

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

FROM: Douglas E. Oldmixon, Administrator

RE: Delegation of Authority to Approve Purchases

DATE: November 28, 2011

This is to confirm that authority is hereby delegated to the following individuals to approve purchases up to the indicated amounts. This remains in effect until and unless changed or revoked, provided the named individuals continue to be employed at the Commission. The Chief Financial Officer (CFO) or Chief Accountant in the absence of the CFO will continue to certify availability of funds for each requisition.

Loretta DeHay	No limit when I am out; $3,000 when I am in.
Karen Alexander	$1,000
Lorie DeAnda	$1,000
Kerri Galvin	$1,000
Gwen Jackson	$1,000
Tom Watson	$1,000
Mark Mrnak	$1,000

In addition, the Chief Financial Officer or Chief Accountant in the absence of the CFO will have the authority to approve replenishment of

Postage – not to exceed $10,000 per order
Supplies routinely stocked – not to exceed $3,000 per order

cc: Loretta DeHay, Karen Alexander, Lorie DeAnda, Kerri Galvin, Gwen Jackson, Tom Watson, Mark Mrnak, Sandy Jones

TREC / TALCB Distribution:

Initials/Date		Initials/Date		Initials/Date	
_____	TREC Commission Members	_____	Reception & Communication	_____	Staff & Support Services
_____	Administrator/ Commissioner	_____	Education & Licensing	_____	Information & Technology
_____	Deputy Administrator/ General Counsel	_____	TREC Standards & Enforcement	_____	TALCB Board Members
_____	Deputy General Counsel	_____	TREC Investigators	_____	TALCB Standards & Enforcement

TEXAS REAL ESTATE COMMISSION
INVITATION FOR BIDS

IFB ☐

IF *NOT* BIDDING
DO NOT RETURN THIS FORM.
BIDDER AGREES TO COMPLY WITH
ALL TERMS & CONDITIONS OF THIS IFB

AGENCY TO INVOICE
DESTINATION OF GOODS IF DIFFERENT THAN ABOVE

BID OPENING ▸ AM/PM

REQUISITION NO. 329-

PAGE OF

τ FAILURE TO SIGN WILL DISQUALIFY BIDτ

AUTHORIZED SIGNATURE DATE

By signing this bid, bidder certifies that if a Texas address is shown as the address of the bidder, bidder qualifies as a Texas Bidder as defined in 34 TAC Rule 20.32(68).

WHEN BIDDING:
Each bid must be placed in a separate envelope with bid opening date and requisition number annotated immediately below return address on SEALED BID ENVELOPE.

IF BIDDING, RETURN SEALED BIDS TO:
TEXAS REAL ESTATE COMMISSION
P.O. BOX 12188, AUSTIN, TX 78711-2188
OR HAND DELIVER TO:
1700 N. CONGRESS AVENUE, STE.400
AUSTIN, TEXAS 78701
(8:00 am - 5:00 pm)
OR OVERNIGHT/EXPRESS MAIL TO:
TEXAS REAL ESTATE COMMISSION
1700 N. CONGRESS AVENUE, STE.400
AUSTIN, TEXAS 78701
FAX NUMBER FOR **BIDS & ADDENDUMS** ONLY:
512-936-3551
Call 512-936-3603 for FAX confirmation

τ VENDOR ADDRESS AND IDENTIFICATION NUMBER τ

Vendor ID # _____

AN IDENTIFICATION NUMBER IS REQUIRED TO PROCESS PAYMENT FOR GOODS/SERVICES PURCHASED AGAINST CONTRACT AWARDS. THE FEDERAL EMPLOYERS IDENTIFICATION NUMBER (EIN) WILL BE USED TO ESTABLISH A PAYEE ID NUMBER:

PLEASE ENTER YOUR FEDERAL EIN: ☐☐☐☐☐☐☐☐☐

Every vendor MUST have an **EIN** prior to receiving payment under an awarded contract. This is being required in an effort to minimize identity theft.
For information on obtaining your EIN, you may call the IRS at 800-829-4933 or visit the following web site: http://www.irs.gov/businesses/

CHECK HERE IF YOU ARE A SOLE OWNERSHIP OR PARTNERSHIP AND COMPLETE SECTION 11: ☐

PREFERENCES
See Section 2.38 of the State of Texas Procurement Manual regarding preferences.
Check below to claim a preference under 34 TAC Rule 20.38

- ☐ Goods produced or offered by a Texas bidder that is owned by a Texas resident service-disabled veteran
- ☐ Goods produced in Texas or offered by a Texas bidder that is not owned by a Texas resident service-disabled veteran
- ☐ Agricultural products grown in Texas
- ☐ Agricultural products offered by a Texas bidder
- ☐ Services offered by a Texas bidder that is owned by a Texas resident service-disabled veteran
- ☐ Services offered by a Texas bidder that is not owned by a Texas resident service disabled veteran
- ☐ Texas Vegetation Native to the Region
- ☐ USA produced supplies, materials or equipment
- ☐ Products of persons with mental or physical disabilities
- ☐ Products made of recycled, remanufactured, or environmentally sensitive materials including recycled steel
- ☐ Energy Efficient Products
- ☐ Rubberized asphalt paving material
- ☐ Recycled motor oil and lubricants
- ☐ Products produced at facilities located on formerly contaminated property
- ☐ Products and services from economically depressed or blighted areas
- ☐ Vendors that meet or exceed air quality standards
- ☐ Recycled or Reused Computer Equipment of Other Manufacturers
- ☐ Foods of Higher Nutritional Value

TEXAS REAL ESTATE COMMISSION:
STANDARD 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 1-512-936-3551. 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. Call 512-936-3603 for FAX confirmation.

1.13. Inquiries pertaining to this IFB 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 §2155.067, Texas Government Code (Gov't Code). 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 34 TAC Rules 20.36(b)(3) and 20.38 (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, bidder shall give written notice to the TREC and the ordering agency. Bidder must keep the TREC and ordering agency advised at all times of status of order.

4.03. Default in promised delivery (without accepted reasons) or failure to meet specifications authorizes the TREC to purchase the goods or services of this IFB elsewhere and charge any increased costs for the goods or services, including the cost of rebidding, to the bidder.

4.04. No substitutions permitted without written approval of TREC.

4.05. 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 bidder 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 bidder or held for disposition at bidder'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 §§2155.074, 2155.144, 2156.007, and 2157.003, Gov't Code, shall also be considered in making an award when specified. Any legal actions must be filed in Travis County, Texas.

7. PAYMENT:

Bidder shall submit 2 copies of an itemized invoice showing State order number and agency requisition number on all copies. 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. Payment shall be made in accordance with Chapter 2251, Gov't Code.

8. PATENTS, TRADEMARKS, OR COPYRIGHTS:

Bidder agrees to defend and indemnify the TREC and State from claims involving infringement or violation of patents, trademarks, copyrights, trade secrets, or other proprietary rights, arising out of the TREC's or the State's use of any good or service provided by the bidder as a result of this IFB.

9. BIDDER ASSIGNMENTS:

Bidder hereby assigns to the TREC any and all claims for overcharges associated with this contract arising under the antitrust laws of the United States 15 U.S.C.A. §1, *et seq.*, and the antitrust laws of the State of Texas, Tex. Bus. & Comm. Code §15.01, *et seq.*

10. BIDDER AFFIRMATIONS:

Signing this bid with a false statement is a material breach of contract and shall void the submitted bid and 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. Pursuant to 15 U.S.C. §1, *et seq.* and Tex. Bus. & Comm. Code §15.01, *et seq.* neither the bidder nor the firm, corporation, partnership, or institution represented by the bidder, or anyone acting for such a firm, corporation or institution has violated the antitrust laws of this state, federal antitrust laws, 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 §2155.004, Gov't Code, neither the bidder nor any person or entity which will participate financially in any contract resulting from this IFB has received compensation for participation in the preparation of the specifications for this IFB.

10.04. Pursuant to §231.006(d), Texas Family Code, regarding 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 the contract may be terminated and payment may be withheld if this certification is inaccurate. Furthermore, any bidder subject to §231.006, Gov't Code, must include names and Social Security numbers of each person with at least 25% ownership of the business entity submitting the bid. This information must be provided prior to award. Enter the Name & Social Security Numbers for each person below:

Name:	Social Security Number:
Name:	Social Security Number:
Name:	Social Security Number:

10.05. Under §2155.004, Gov't Code, the bidder certifies that the individual or business entity named in this bid or any contract resulting from this IFB is not ineligible to receive the specified contract and acknowledges that the contract may be terminated and payment withheld if this certification is inaccurate. §2155.004 prohibits a person or entity from receiving a state contract if they received compensation for participating in preparing the solicitation or specifications for the contract.

10.06. As required by §2252.903, Gov't Code, bidder agrees that any payments due under a contract resulting from this IFB shall be directly applied towards eliminating any debt or delinquency including, but not limited to, delinquent taxes, delinquent student loan payments, and delinquent child support, until the debt is paid in full. Bidder shall comply with rules adopted by TREC under §§403.055, 403.0551, 2252.903, Gov't Code and other applicable laws and regulations regarding satisfaction of debts or delinquencies to the State of Texas.

10.07. Pursuant to §669.003, Gov't Code, TREC may not enter into a contract with a person who employs a current or former executive head of the TREC until four years has passed since that person was the executive head of the TREC. By submitting a bid, the bidder certifies that it does not employ any person who was the executive head of the TREC in the past four years. If bidder does employ a person who was the executive head of the TREC, provide the following information:

Name of Former Executive: _____

Name of State Agency: _____

Date of Separation from State Agency: _____

Position with Bidder: _____

Date of Employment with Bidder: _____

10.08. In accordance with §2155.4441, Gov't Code, bidder agrees that during the performance of a contract for services it shall purchase products and materials produced in Texas when they are available at a price and time comparable to products and materials produced outside this state.

10.09. 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

10.10. Sections 2155.006 and 2261.053, Gov't Code, prohibit state agencies from awarding contracts to any person who, in the past five years, has been convicted of violating a federal law or assessed a penalty in connection with a contract involving relief for Hurricane Rita, Hurricane Katrina, or any other disaster, as defined by §418.004, Gov't Code, occurring after September 24, 2005. Under §2155.006, Gov't Code, bidder certifies that the individual or business entity named in its bid is not ineligible to receive a contract and acknowledges that any contract resulting from this IFB may be terminated and payment withheld if this certification is inaccurate.

10.11. Bidder represents and warrants that payment to the bidder and the bidder's receipt of appropriated or other funds under any contract resulting from this IFB are not prohibited by §556.005 or §556.008, Gov't Code, relating to the prohibition of using state funds for lobbying activities.

10.12. Bidder represents and warrants that it has no actual or potential conflicts of interest in providing the requested items to TREC under the IFB and any resulting contract, if any, and that bidder's provision of the requested items under the IFB and any resulting contract, if any, would not reasonably create an appearance of impropriety.

11. NOTE TO BIDDER:

If bidder takes any exceptions to any provisions of the IFB, these exceptions must be specifically and clearly identified by section in bidder's bid in response to the IFB and bidder's proposed alternative must also be provided in the bid. Bidders cannot take a 'blanket exception' to the entire IFB. If any bidder takes a 'blanket exception' to the entire IFB or does not provide proposed alternative language, the bidder's bid may be disqualified from further consideration.

12. PROTEST PROCEDURES:

Any actual or prospective bidder who is aggrieved in connection with this IFB, evaluation, or award of any contract resulting from this IFB may formally protest as provided in TREC's rules at 34 TAC Rule 20.384.

13. DISPUTE RESOLUTION:

The dispute resolution process provided for in Chapter 2260, Gov't Code must be used by the TREC and the bidder to attempt to resolve any dispute arising under any contract resulting from this IFB.

14. NON-APPROPRIATION OF FUNDS:

Any contract resulting from this IFB is subject to termination or cancellation, without penalty to TREC, either in whole or in part, subject to the availability of state funds. TREC is a state agency whose authority and appropriations are subject to actions of the Texas Legislature. If TREC becomes subject to a legislative change, revocation of statutory authority, or lack of appropriated funds which would render TREC's or bidder's delivery or performance under the contract impossible or unnecessary, the contract will be terminated or cancelled and be deemed null and void. In the event of a termination or cancellation under this Section, TREC will not be liable to bidder for any damages, which are caused or associated with such termination, or cancellation and TREC will not be required to give prior notice.

15. TEXAS PUBLIC INFORMATION ACT:

Notwithstanding any provisions of this IFB to the contrary, bidder understands that TREC will comply with the Texas Public Information Act (Chapter 552, Gov't Code) as interpreted by judicial opinions and opinions of the Attorney General of the State of Texas. Information, documentation, and other material in connection with this solicitation or any resulting contract may be subject to public disclosure pursuant to the Texas Public Information Act. Within three (3) days of receipt, bidder will refer to TREC any third party requests, received directly by bidder, for information to which bidder has access as a result of or in the course of performance under any contract resulting from this IFB. Any part of the solicitation response that is of a confidential or proprietary nature must be clearly and prominently marked as such by the bidder.

16. CONFLICT OF INTEREST:

Under §2155.003, Gov't Code, 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. Any individual who interacts with public purchasers in any capacity is required to adhere to the guidelines established in Section 1.2 of the State of Texas Procurement Manual, which outlines the ethical standards required of public purchasers, employees, and bidders who interact with public purchasers in the conduct of state business, and with any opinions of or rules adopted by the Texas Ethics Commission. 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.

17. FORCE MAJEURE:

Neither bidder nor TREC shall be liable to the other for any delay in, or failure of performance, of any requirement included in any contract resulting from this IFB caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either party and that by exercise of due foresight such party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome. Each party must inform the other in writing, with proof of receipt, within three (3) business days of the existence of such force majeure, or otherwise waive this right as a defense.

18. INDEPENDENT CONTRACTOR:

Bidder is and shall remain an independent contractor in relationship to the TRECS. The TREC shall not be responsible for withholding taxes from payments made under any contract resulting from this IFB. Bidder shall have no claim against the TREC for vacation pay, sick leave, retirement benefits, social security, worker's compensation, health or disability benefits, unemployment insurance benefits, or employee benefits of any kind.

19. **INDEMNIFICATION:**

BIDDER SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE STATE OF TEXAS, ITS OFFICERS, AND EMPLOYEES, AND TREC, ITS OFFICERS, AND EMPLOYEES AND CONTRACTORS, FROM AND AGAINST ALL CLAIMS, ACTIONS, SUITS, DEMANDS, PROCEEDINGS, COSTS, DAMAGES, AND LIABILITIES, INCLUDING WITHOUT LIMITATION ATTORNEYS' FEES AND COURT COSTS, ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS OF BIDDER OR ANY AGENT, EMPLOYEE, SUBCONTRACTOR, OR SUPPLIER OF BIDDER IN THE EXECUTION OR PERFORMANCE OF ANY CONTRACT WITH BIDDER RESULTING FROM THIS IFB. BIDDER SHALL COORDINATE ITS DEFENSE WITH THE TEXAS ATTORNEY GENERAL AS REQUESTED BY TREC. THIS SECTION IS NOT INTENDED TO AND SHALL NOT BE CONSTRUED TO REQUIRE BIDDER TO INDEMNIFY OR HOLD HARMLESS THE STATE OR TREC FOR ANY CLAIMS OR LIABILITIES RESULTING FROM THE NEGLIGENT ACTS OR OMISSIONS OF TREC OR ITS EMPLOYEES.

20. **RIGHT TO AUDIT:**

In addition to and without limitation on the other audit provisions of this IFB, pursuant to §2262.003, Texas Government Code, the state auditor may conduct an audit or investigation of the bidder or any other entity or person receiving funds from the state directly under this contract or indirectly through a subcontract under this contract. The acceptance of funds by the bidder or any other entity or person directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, the bidder or other entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. This IFB or any contract resulting from this IFB may be amended unilaterally by TREC to comply with any rules and procedures of the state auditor in the implementation and enforcement of §2262.003, Texas Government Code. Bidder will ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the bidder and the requirement to cooperate is included in any subcontract it awards.

INVITATION FOR BIDS
TEXAS REAL ESTATE COMMISSION
Continuation Page(s)

BID OPENING ▸ AM/PM
REQUISITION NO. ▸ 329-
PAGE OF

VENDOR
VENDOR ID
(VENDOR NAME)

ITEM NO.	CLASS & ITEM	DESCRIPTION	QUANTITY	UNIT	MAKE/MODEL	UNIT PRICE	EXTENSION
		(BID TEXT ENTRY HERE)					

TEXAS REAL ESTATE COMMISSION
INTERNAL PURCHASING PROCEDURES

The Purchasing Department is within the Staff and Support Services Division of the Texas Real Estate Commission (TREC). TREC Purchasers also have the authority to purchase for the Texas Appraiser Licensing and Certification Board (TALCB), an independent subdivision of the Texas Real Estate Commission. The Purchasing Section consists of the following two positions:

Purchaser VI
Administrative Assistant IV

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 the authority to approve purchases up to $1,000. Purchase requests exceeding $1,000 require approval by the TREC Assistant Administrator or TREC Administrator. The approved requisition form is sent to the Purchasing Section in the Staff and Support Services Division. The Purchaser reviews the requisition then forwards it to the Director of Staff Services/Chief Financial Officer (or Chief Accountant in the absence of the Chief Financial Officer) for review and certification of funds. All routine requisitions for envelopes, paper, supplies, etc. not to exceed $3,000 and requisitions for postage not to exceed $10,000 are approved by the Director of Staff and Support Services/Chief Financial Officer (or Chief Accountant in the absence of the Chief Financial Officer). Upon all necessary approvals, purchase requisition forms are returned to Purchasing for processing.

PURCHASE REQUISITION PROCESSING

1. A Purchase Requisition Form is received in the Purchaser's office.

2. The Purchaser reviews the requisition for the following:
    a) appropriate approval signatures
    b) complete and specific description of the item being requisitioned; the Purchaser may need to communicate with the end user to clarify their need if the purchase requisition is unclear or lacks information
    c) quantity
    d) date desired or needed
    e) justification for purchase
    f) estimated cost if known

3. If the cost is over $14,000, a Contract Routing Sheet must be completed by the purchaser and circulated with the attached contract for review and approval by the appropriate team members.

PURCHASE ORDER PROCESSING

1. Determine the estimated dollar amount of the purchase.

2. Determine the commodity class and item number for the item being purchased. Use the Texas Procurement and Support Services (TPASS) website to access the NIGP Commodity Book at: http://www.window.state.tx.us/procurement/tools/comm-book/

3. Based on the commodity class and item, delivery requirement and cost, identify the appropriate purchasing method to be used. Refer to. Check to see if the item can be purchased through a set aside program (TIBH or TCI) Re: TPASS Procurement Manual, Section 2.5.

4. Whichever purchasing method is used, before a p.o. is issued, a purchase order number (also known as requisition number) must be assigned. The purchase order number is acquired from the Purchase Requisition Log book. The information required in the log book is completed for each number issued. The Purchase Requisition Log book is maintained in hard copy and electronic format (MS Excel).

5. The following purchasing methods are the ones most commonly used by TREC. Refer to Procurement Manual at http://www.window.state.tx.us/procurement/pub/manual/ for additional purchasing methods and more detailed information.

NON-DELEGATED PURCHASES:
TERM CONTRACTS (See Section 2.7 of Procurement Manual)

1) **Automated Contract (PCC: A)**
Items available through a term contract with the TPASS are ordered using the TPASS TX SmartBuy Purchasing System. See Procedures for Accessing TX SmartBuy System at: http://www.window.state.tx.us/txsmartbuy. Upon placing the order through SmartBuy, a numbered purchase order is issued by TPASS via electronic mail, sending one (1) copy to the vendor and one (1) copy to TREC. It is then stapled to corresponding paper work in TREC suspense file, titled "Contract Purchase Orders". Examples of automated contract purchases are paper, envelopes, file folders, furniture, etc.

2) **Non-automated Contract (PCC: C)**
Items available through a TPASS managed term contract, but are not available to be ordered using the TPASS SmartBuy Purchasing System. The purchaser issues an internal Purchase Order and sends one (1) original directly to the vendor and retains one (1) copy for the TREC suspense file, titled "Contract Purchase Orders". Examples of these types of purchases are overnight delivery services, document destruction/storage services, etc.

3) **Council on Competitive Government (CCG) Contract (Doc Type 9):**
Items available through CCG contracts are ordered by issuing an internal Purchase Order directly to the vendor. The original purchase order is sent to the vendor and one (1) copy is retained in the TREC purchasing file specifically for that purchase. An example of a CCG purchase is the presort mailing services contract.

TEXAS MULTIPLE AWARD SCHEDULES (TXMAS) CONTRACTS (PCC: X)

1) The TPASS has established, as an alternative purchasing method, the use of TXMAS contracts that have been developed from contracts that have been competitively awarded by the federal government or any other governmental entity of any state. TXMAS contracts have very favorable pricing, but agencies may negotiate a lower price for the goods or services offered on a schedule contract. A "best value" purchase can be made using the

TXMAS purchasing procedures. See Procurement Manual or
http://www.window.state.tx.us/procurement/pub/manual/2-9-1.pdf

The purchaser may search TXMAS contracts on the TPASS web site at:
http://www.window.state.tx.us/procurement/prog/txmas/
2) When a TXMAS contract is utilized, the purchaser issues a TXMAS purchase order directly to the vendor and sends a copy to TPASS. TXMAS orders can also be entered into the TPASS Automated Purchasing system. If p.o. is entered through the automated purchasing system, then a copy does not need to be sent to TPASS.

OPEN MARKET PURCHASES (see Section 2.8 of Procurement Manual)

For commodities $25,000 - $100,000 (not services)– PCC G
Purchases exceeding $25,000 for commodities (not IT) are submitted to TPASS as an Open Market Requisition. Purchases over $25,000 must be advertised (posted) on the *Texas Marketplace* at (See Section 2.31 of Procurement Manual). If posted electronically, the purchase must be advertised for 14 calendar days. If not available electronically, then it must be posted 21 calendar days. To access the Procurement Section of the Texas Marketplace (Electronic State Business Daily), go to http://esbd.tbpc.state.tx.us, Administration Menu, enter user ID (TRECUSER) and password (this can be found in the Electronic Business Daily folder).

DIR CONTRACTS (PCC: I) - See DIR website at: www.dir.state.tx.us/commodities/program.htm

The Purchaser must buy information technology (IT) commodity items through the Department of Information Resources (DIR) contracts (also called GoDIRect contracts) unless an exemption applies. Blanket exemptions can be found in Appendix B of the IT Commodity Purchasing Guidelines (see link above). If the item is available on a DIR contract, it must be purchased off of that contract unless an exemption is requested by the agency and granted by DIR. A Request for Offer (RFO) or Request for Quote (RFQ) is sent to GODirect vendor. It is best practice for the Purchaser to attempt to receive three offers and award the purchase based on the best value for the agency. If the item is not available on a DIR contract, then another procurement method should be used. Purchases of information technology commodities or services not available through DIR contracts should be coded with **PCC D**.

DELEGATED PURCHASES (See Section 2.11 of Procurement Manual)

1) $0 - $5,000 (PCC: E) - For items not on contract through TPASS or purchases not meeting the minimum order requirements, or purchases $5,000 or less. These are also referred to as "Spot Purchases". Bids are not required for purchases $5,000 or less, however it is in the best interest of the agency for the Purchaser to contact two (2) or three (3) vendors and get bids to ensure costs are reasonable. If the Purchaser contacts more than one vendor, at least one of the vendors must be a HUB certified vendor (if available for that commodity).

Prior to making an award for any delegated purchase or prior to the renewal of a contract, the purchaser conducts 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.

Before a purchase order is issued, the purchaser verifies that the vendor is in good standing i.e. is not delinquent on taxes or child support (not on warrant hold status), and is not a high risk vendor (listed on the Excluded Parties List System (EPLS) website).

To verify the standings of a vendor, the Purchaser accesses the internet and follows these steps:

EPLS:

A. Access the EPLS website at https://www.epls.gov

B. Perform a search for the vendor's name and the name of the individual signing a bid document (if applicable). Select Advanced Search, then enter the vendor's name and select GO.

C. The EPLS page showing the vendor search must be printed out and attached with the purchase order at the time of award. If the vendor's name is listed on the EPLS website, the purchase cannot be awarded to that vendor. All EPLS printouts for frequently used vendors are retained in a binder in the purchaser's office as reference.

Warrant Hold Status:

D. To verify the vendor is in good standing and not on warrant hold status, the Purchaser accesses the Comptroller of Public Account's website as follows:
Perform a search using the vendor's name.
https://cpafmprd.cpa.state.tx.us/tpis/search.html

If the vendor is in good standing with the Comptroller and is not listed on the EPLS, then a purchase order is prepared. An original p.o. is sent to the vendor (if the vendor requires one) and a copy is retained in "Spot Purchases" file until delivery. For vendors frequently used for routine spot purchases, the vendor verification for good standing is done periodically. **Exception: For any purchase over $500.00 that is procured using the agency procurement card (credit card) as a payment method, the vendor must be verified for good standing (warrant hold status) before making the purchase.**

2) $5,000 - $25,000 (PCC: F - Commodities or PCC: Q - Services) If the purchase is over $5,000 and not on contract through TPASS and is under $25,000 the informal solicitation process is used. The purchaser attempts to get a minimum of three informal bids via fax, phone or e-mail from vendors on the Centralized Master Bidders List (CMBL) available through the TPASS web site at http://www.window.state.tx.us/procurement//cmbl/cmblhub.html. Two of the three bids must be Historically Underutilized Business (HUB) vendors. If unable to locate at least two HUB vendors on the CMBL, this must be noted in the file. Evaluate and award the purchase under the delegated purchasing rules. The vendor is verified for good standing, searched on the EPLS website and a printout is retained in the file (follow same procedures as above). A Bid Tabulation is prepared showing bidders names, contacts and bid amounts. Once an award is made, a purchase order is issued and signed. The original is sent to vendor and a copy is retained in "Delegated Purchases" file until delivery is completed.

3) $25,000 - $100,000 Services only (Delegated) - PCC: S

If a purchase is for a service and is $25,000 or over but less than $100,000, the purchaser obtains written (formal) bids. The purchaser must solicit bids or proposals from all eligible vendors on the CMBL listed for that class/item that serve the agency's geographic region (county, city or zip code). If it enhances competition, non-CMBL vendors may be added to the bid list with written approval from the Director of Staff Services or Assistant Administrator.

Develop specifications or a Statement of Work (SOW) and create a written Invitation for Bid (IFB). The IFB for purchases $25,000 or over must be advertised (posted) on the *Texas Marketplace* at (See Section 2.31 of Procurement Manual). If posted electronically, the purchase must be advertised for 14 calendar days.

If not available electronically, then it must be posted 21 calendar days. To access the Procurement Section of the Texas Marketplace (Electronic State Business Daily), go to: http://esbd.cpa.state.tx.us/admin.cfm, Administration Menu, enter user ID (TRECUSER) and password (this can be found in the Electronic Business Daily folder). The bids are opened, tabulated and reviewed carefully to ensure that the bid meets specifications. A Bid Tabulation Sheet is prepared which shows all vendors to whom bids were sent and their response. The vendor providing the lowest and best bid that meets specifications is verified for good standing and checked out on the EPLS web site. The EPLS printout should be attached. If the vendor meets are requirements, the purchase is awarded and a purchase order is issued.

If the service is $100,000 or over, it is handled under Open Market Procedures through TPASS. TPASS may or may not delegate the agency to purchase the services. Purchases $100,000 or over may be handled through a Request for Proposal process, but the agency must be given the authority by TPASS to use the RFP process unless the purchase is exempt from TPASS authority. For a list of legal cites referencing exempt purchases (Document Type 9), refer to the Procurement Manual at:
http://www.window.state.tx.us/procurement/pub/manual/4-5.pdf

4) Purchases $100,000 or over
Acquisitions $100,000 or over for goods or services that are not available on a State Contract (including GODirect contracts) must be submitted to TPASS for review and approval. In some cases, TPASS and the agency may determine that a Request for Proposal (RFP) is a better purchasing method than an Invitation for Bid (IFB). TPASS may delegate the authority for an agency to solicit responses using the RFP process. The purchaser should refer to the TPASS Contract Management Office at:
http://www.window.state.tx.us/procurement/prog/cmo/ for assistance with the development and review of large contracts.

RECEIVING DELIVERIES

Items delivered should be thoroughly inspected and quantities verified before accepting a delivery. The corresponding purchase order should be pulled from the file for review. If all is correct, the delivery is accepted and packing slip is signed and dated. The packing slip is stapled to the back of the purchase order and filed in the "Pending Invoices" file. The date received is recorded in the Purchase Requisition Log book under the requisition (p.o) number. The item/product is delivered to the requesting customer or placed in the appropriate storage area.

VENDOR PERFORMANCE

Agencies are required to report vendor performance on purchases over $25,000 from contracts administered by the commission or any other purchase over $25,000 made through delegated authority granted by CPA (TAC 20.108). Agencies are also encouraged to report vendor performance for purchases under $25,000. Vendor Performance can be submitted electronically by logging into the CPA Web Portal system at: https://portal.cpa.state.tx.us/

PAYMENT PROCESSING

Invoices are received and placed in a brown expanding file folder and put in the Purchaser's "In Box". When an invoice is received, the corresponding purchase order is pulled from the "Pending Invoices" file (a separate brown expanding file folder located on top of the rolling file cabinet in the Purchaser's office). Invoice amounts are verified with purchase order amounts.

If there is a discrepancy, the vendor is contacted and the invoice is held until the discrepancy is resolved. Once the invoice is approved for payment, a Payment Approval Form is completed. The comptroller object codes and agency object codes can be obtained from a list that is located in a black binder "Object Codes" kept in the Purchaser's office. Purchase Category Codes (PCC) codes are listed in the TPASS Procurement Manual. Object codes and PCC codes and are referenced in the Purchase Requisition Log book when the p.o. number is assigned. The encumbrance number is obtained from the monthly Encumbrance Report prepared by accounting. Upon completion of the Payment Approval form, the purchase order with supporting documentation, delivery receipt and invoice are attached and forwarded to the Accounts Payable Clerk for processing. The Payment Approval Form is the cover sheet for the p.o. and backup documentation. It is the Purchaser's responsibility to comply with Prompt Payment Act of Texas. Payments must be paid within 30 days from receipt of service or invoice (whichever is later) or interest is automatically added to the total payment.

PAYMENT APPROVAL PROCEDURES

1. Identify the P.O. number on the invoice.
2. Match corresponding p.o. (from "Pending Invoice" file) to the invoice.
   A. If no p.o. is found in the Pending Invoice file, the payment may be for an ongoing contract (Contractual Obligation or Payable). These are usually monthly payments and the p.o. is filed with the first payment made for that contract.

3. Verify that the amount on the p.o. and the amount on the invoice agree.
   A. If the two amounts agree, proceed to step 4 below.
   B. If the two amounts do not agree, find out what the discrepancy is and contact the vendor to dispute, have corrected, etc. Be sure to document who you talked to, what they said and the date you talked to them.

4 Completing a Payment Approval Form (fill in the blanks):
   A. Requisition # (Ex: 329-0-1234)
   B. Encumbrance # - This number can be found on the Monthly Encumbrance Report or Contractual Encumbrance Report. Not all requisitions have encumbrance numbers. If the payment is for a partial amount, then circle P. If the payment is the last (final) payment or the only payment, then circle F or final.
   C. TPASS or DIR Number - This number is only required when the purchase was made using an automated term contract (Contract Purchase Order form). The TPASS number is the same as the purchase order number on the Contract Purchase Order form, located above the requisition number on the upper right hand corner of the purchase order. The DIR number would be the DIR contract number (Ex: DIR-SDD-192).
   D. Contract Number - This number is used for contracts $10,000 or over that is set up in a Profile 30 USAS report by the Chief Accountant.
   E. Doc Type and PCC Type - The PCC is located in the Requisition Log Book under the order date.
      1) If Doc type 9, then the appropriate exempt statement must be stamped at the bottom of the form as *other information*. Rubberstamps are located on Purchaser's desk. Examples of exempt purchases are *professional services, utilities (telephone bills), postage and Council of Competitive Government (CCG) contracts such as presorted mail services contract.*
   F. Order Date - This date is on the purchase order.
   G. Payment Due Date - This date is usually calculated 30 days from the receipt of the invoice or 30 days from the date goods/service was delivered, whichever is later. Refer to Payment Scheduling.

H. Delivery Date - Date goods or service were delivered (received).
I. Interest Control (I/C) - Refer to Payment Scheduling
    1) R - Refuse Interest
    2) F - Force Interest
    3) A - Accept Interest
J. Reason Code - Refer to Payment Scheduling
K. Requested Payment Date -
    1) If invoice is $5,000 or less, payment can be requested on the next working day (NWD), but not later than (NLT) 1 working day prior to payment due date unless this date falls on a holiday or weekend.
        a) If payment due date is on a weekend, then the NLT requested payment date is the Thursday prior to the weekend date.
        b) If payment due date is on holiday, then the NLT requested payment date is last working day prior to the holiday date.
L. AY - Appropriation Year that payment is being made from
M. Amount - Dollar amount being allocated to specific PCA
N. Object Code - The agency object code for the purchase. The agency codes are listed in the Requisition Log Book and/or the Encumbrances/Payables Report. See Comptroller Manual of Expenditure Codes.
O. Total - Total all amounts in the amount column. This will be the total paid.

5. Examples of Contractual Obligations (have encumbrance number)
    A. Copier Leases
    B. Telephone maintenance
    C. Armored Car Service

6. Examples of Payables (do not have encumbrance number)
    A. Overnight delivery - UPS
    B. Criminal History Inquiries - DPS
    C. Wireless internet service – Sprint PCS

7. Exceptions to Routine Payment Approval Procedures
    A. Interagency Transaction Vouchers (ITVs)
        1) TPASS Number - write ITV
        2) Contract Number - leave blank
        3) Doc Type - leave blank
        4) Payment Due Date - 30 days from receipt of invoice or goods/service delivery date (whichever is later)
        5) Requested Payment Date - Next Working Day (NWD)
    B. Purchases Payable to the U.S. Postmaster (postage, p.o.box rent, etc.)
        1) TPASS/DIR Number - leave blank
        2) Contract Number - leave blank
        3) Doc Type 9 - stamp bottom with "Exempt Purchase -Postage" stamp
        4) Payment Due Date - Date needed
        5) Delivery Date - Same as payment due date
        6) Interest Control - R
        7) Reason Code - AP (Advance Payment)
            a) Attach Justification for Advance Payment form (Appendix M). Check the exception that reads: "A state agency may make an advance payment to a vendor who is selling specialized or proprietary goods or services...)
        8) Requested Payment Date - leave blank

C. Payment for Procurement Card Purchases (credit card)
   1) Complete a separate Payment Approval Form for each purchase transaction.
   2) Payment Due Date - standard (30 days)
   3) Requested Payment Date - 1 working day prior to payment due date unless it falls on a holiday or weekend.

After preparing Payment Approval forms, enter total amount of each invoice in the Requisition Log Book under the corresponding p.o. number. Completed Payment Approval forms are given to the Accounting for processing.

INTERNAL AUTOMATED PURCHASING PROCEDURES

A. ENTERING PURCHASE ORDERS USING THE TX SMARTBUY PURCHASING SYSTEM THROUGH TPASS FOR TERM CONTRACT PURCHASES AND TXMAS CONTRACT PURCHASES.

1) The Purchaser should visit www.txsmartbuy.com for information regarding the TxSmartBuy Shopping Cart System.
2) Click on https://txsmartbuy.texasonline.state.tx.us/getpassword to get a user name and password.
3) Access website at: http://www.window.state.tx.us/txsmartbuy/
Log onto the system by clicking the green Purchaser Login button.
4) The software allows Purchaser to search for items on State term contracts and TXMAS contracts, add to a shopping cart and check out. Purchase Orders are created automatically and sent electronically (via e-mail) to the vendor and the Purchaser.
5) User guides and help can be accessed by clicking the gray button "TXSmartBuy Help" on the main TXSmartBuy page. These tools are also available when logged into the system.

B. ENTERING PURCHASE ORDERS USING MICROSOFT EXCEL AND WORD SOFTWARE

1) Open common drive on computer (ex: ss_common on "bookman" (I).
2) Open the Excel worksheet file for the appropriate fiscal year ("PO Log FY 12"), etc.
3) Using the tabs on the bottom of the worksheet, assign a purchase order number with the corresponding type of purchase and complete the information for the purchase.
4) Enter the same p.o. number and purchase information in the manual Purchase Requisition Log (this is being done concurrently with electronic log until we are comfortable that the electronic log can be utilized as needed).
5) Go back to the common drive on the computer and open the folder titled "Purchase Orders FY11".
6) Open one of the MS Word files and use it as a template to create a new purchase order. (Selecting a file with the same vendor that has been used can shorten some steps).
7) Upon completing a new purchase order, print one copy, sign, date and send to the vendor either by e-mail or fax.
8) Keep one copy of the signed purchase order in the purchasing file until the item is received or completed.
9) Upon delivery or completion of item purchased, attach delivery documentation and retain in the "Pending Invoice" suspense file until corresponding invoice is received.

TEXAS REAL ESTATE COMMISSION

REAL ESTATE COMMISSION

APPRAISER LICENSING & CERTIFICATION BOARD

MEMORANDUM

TO: Barbara Jenkins, Director of Human Resources

FROM: Karen Alexander, Director of Staff and Support Services

RE: Conflict of Interest Statements

DATE: November 30, 2010

Pursuant to Texas Government Code Title 10, Subtitle D, Section 2155.003, purchasers for the State of Texas must sign a Conflict of Interest form. Please ensure that a copy of the attached form is retained in each purchaser's personnel file.

TREC / TALCB Distribution:

Initials/Date		Initials/Date		Initials/Date	
_____	TREC Commission Members	_____	Reception & Communication	_____	Staff & Support Services
_____	Administrator/ Commissioner	_____	Education & Licensing	_____	Information & Technology
_____	Deputy Administrator/ General Counsel	_____	TREC Standards & Enforcement	_____	TALCB Board Members
_____	Deputy General Counsel	_____	TREC Investigators	_____	TALCB Standards & Enforcement

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.

Sandy Jones

Employee Signature

November 20, 2009

Date

Sandy Jones

Printed Name

cc: Personnel File
Supervisor's File

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.

Myra Martin
Employee Signature

November 20, 2009
Date

Myra Martin
Printed Name

cc: Personnel File
Supervisor's File

CONFLICT OF INTEREST

TEXAS GOVERNMENT CODE TITLE 10 SUBTITLE D SECTION 2155.003

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

Karen Alexander

Employee Signature

November 20, 2009

Date

Karen Alexander

Printed Name

cc: Personnel File
Supervisor's File

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 purchases from frequently used vendors, the Texas Real Estate Commission will conduct periodical searches on the EPLS for these vendors. 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.

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 Procurement and Support Services (TPASS) 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 TPASS 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;

*Maintain positive working relationships with current HUB vendors;

*Implementing a HUB Mentor Protégé program.

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

TEXAS REAL ESTATE COMMISSION
HISTORICALLY UNDERUTILIZED BUSINESS (HUB)
MENTOR PROTÉGÉ PROGRAM

In accordance with Texas Government Code, Section 2161.065, and 34 TAC §20.28 the Texas Real Estate Commission (TREC) is implementing this mentor-protégé program.

SB 178 (Tex. Gov. Code Chapter 2161) was passed in 2000 and requires that any agency with $10 million in biennial spending have a HUB Coordinator, declare probable subcontracting for all contracts with an expected value of $100,000 or more, and have a Mentor Protégé program in place. Effective FY2008-09, the TREC will have a biennial appropriation that exceeds $10 million.

The mentor-protégé program is designed to foster long-term relationships between prime contractors and historically underutilized businesses and to increase the ability of historically underutilized businesses to contract with the state or to receive subcontracts under a state contract. The objective of this Mentor Protégé Program is to provide professional guidance and support to the protégé to facilitate their development and growth. Program features are flexible so as to maximize participation. All participation is voluntary.

TREC, in designing this Mentor Protégé Program, has considered the following:

- Needs of protégé businesses requesting to be mentored;
- Availability of mentors who possess unique skills, talents, and experience related to the mission of the agency's programs; and
- TREC's staff and resources.

TREC will, in accordance with this policy:

- Develop and implement internal procedures, including an application process, regarding the Mentor Program which identifies the eligibility criteria and the selection criteria for mentors and potential HUB businesses;
- Recruit contractor/vendor mentors to voluntarily participate in the program;
- Establish a Mentor Protégé Program objective identifying both the roles and expectations of the agency, mentor, and the protégé;
- Monitor the progress of the mentor protégé relationship
- Report mentor protégé agreements to the Comptroller of Public Accounts' Texas Procurement and Support Services (TPASS) HUB Division.

Mentor Eligibility

In determining the eligibility and selection of a mentor, TREC will consider, as applicable, the following criteria:

- Whether the mentor is a registered bidder on the CPA Centralized Master Bidders List (CMBL);
- Whether the mentor has extensive work experience and can provide developmental guidance in areas that meet the needs of the protégé, including but not limited to, business, financial, and personnel management; technical matters such as production, inventory control and quality assurance; marketing; insurance; equipment and facilities; and/or other related resources;
- Whether the mentor is in "good standing" with the State of Texas and is not in violation of any state statutes, rules or governing policies;
- Whether the mentor has mentoring experience; and
- Whether the mentor has a successful past work history with this or any other state agency.

Protégé Eligibility

In determining the eligibility and selection of HUB protégés, TREC will consider, as applicable, the following criteria:

- Whether the protégé is eligible and willing to obtain HUB certification;
- Whether the protégé's business has been operational for at least one year;
- Whether the protégé has a desire to participate with a mentoring firm and will identify the type of guidance that is needed for its development;
- Whether the protégé is in "good standing" with the State of Texas and is not in violation of any state statutes, rules or governing policies; and
- Whether the protégé is involved in a mentoring relationship with another contractor/vendor.

The Agreement

The mentor and the protégé should agree on the nature of their involvement under the agency's mentor/protégé initiative. TREC will monitor the progress of the relationship. The mentor and protégé relationship should be reduced to writing and address such matters as:

- Identification of the developmental areas in which the protégé needs guidance
- The time period which the developmental guidance will be provided by the mentor;
- Name, address, phone, fax numbers, and points of contact that will oversee the agreement of the mentor and protégé;
- Procedure for a mentor firm to notify the protégé in advance if it intends to voluntarily withdraw from the program or terminate the mentor protégé relationship;
- Procedure for a protégé firm to notify the mentor in advance if it intends to terminate the mentor protégé relationship; and
- A mutually agreed upon timeline to report the progress of the mentor protégé relationship to the TREC.

Protégés Must Maintain HUB Certification

The protégé must maintain its HUB certification status for the duration of the agreement. If a contractor/vendor has been awarded a contract with TREC that requires a HUB subcontracting plan, and the Mentor Protégé Agreement is terminated, or the protégé's HUB certification expires, the contractor/vendor must either

- Enter into a new agreement with a certified HUB protégé, or
- Comply with the requirements relating to developing and submitting a HUB subcontracting plan.

TREC must notify its mentors and protégés that participation is voluntary.

- The notice must include written documentation that participation in the agency's Mentor Protégé Program is neither a guarantee for a contract opportunity nor a promise of business; but the program's intent is to foster positive, long-term, business relationships.

Report Agreements to CPA

Once TREC sponsors a Mentor Protégé Program, TREC must report that information to CPA upon completion of a signed agreement by both parties. Information regarding the Mentor Protégé Agreement shall be reported to CPA in a form prescribed by CPA within 21 calendar days after the agreement has been signed. CPA will register that agreement on the approved list of mentors and protégés. Approved Mentor Protégé Agreements are valid for all state agencies in determining good faith effort for the particular area of subcontracting to be performed by the protégé as identified in the HUB subcontracting plan.

The CPA shall maintain and make available to state agencies all registered Mentor Protégé Agreements. The sponsoring agency shall monitor and report the termination of an existing Mentor Protégé Agreement that has been registered with CPA within 21 calendar days.

TEXAS REAL ESTATE COMMISSION
PRIORITY PURCHASES FOR FISCAL 2012

The following purchase is considered high priority by the Texas Real Estate Commission. The agency has engaged in a contract for the following services that will be an AY2012 expenditure.

- Digital imaging and storage of records

This service is not available through a TPASS term contract, but is being acquired through a Council on Competitive Government (CCG) contract.