



TEXAS REAL ESTATE COMMISSION

PROCUREMENT PLAN

Pursuant to Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter C, 20.41 (h)

NOVEMBER 28, 2014



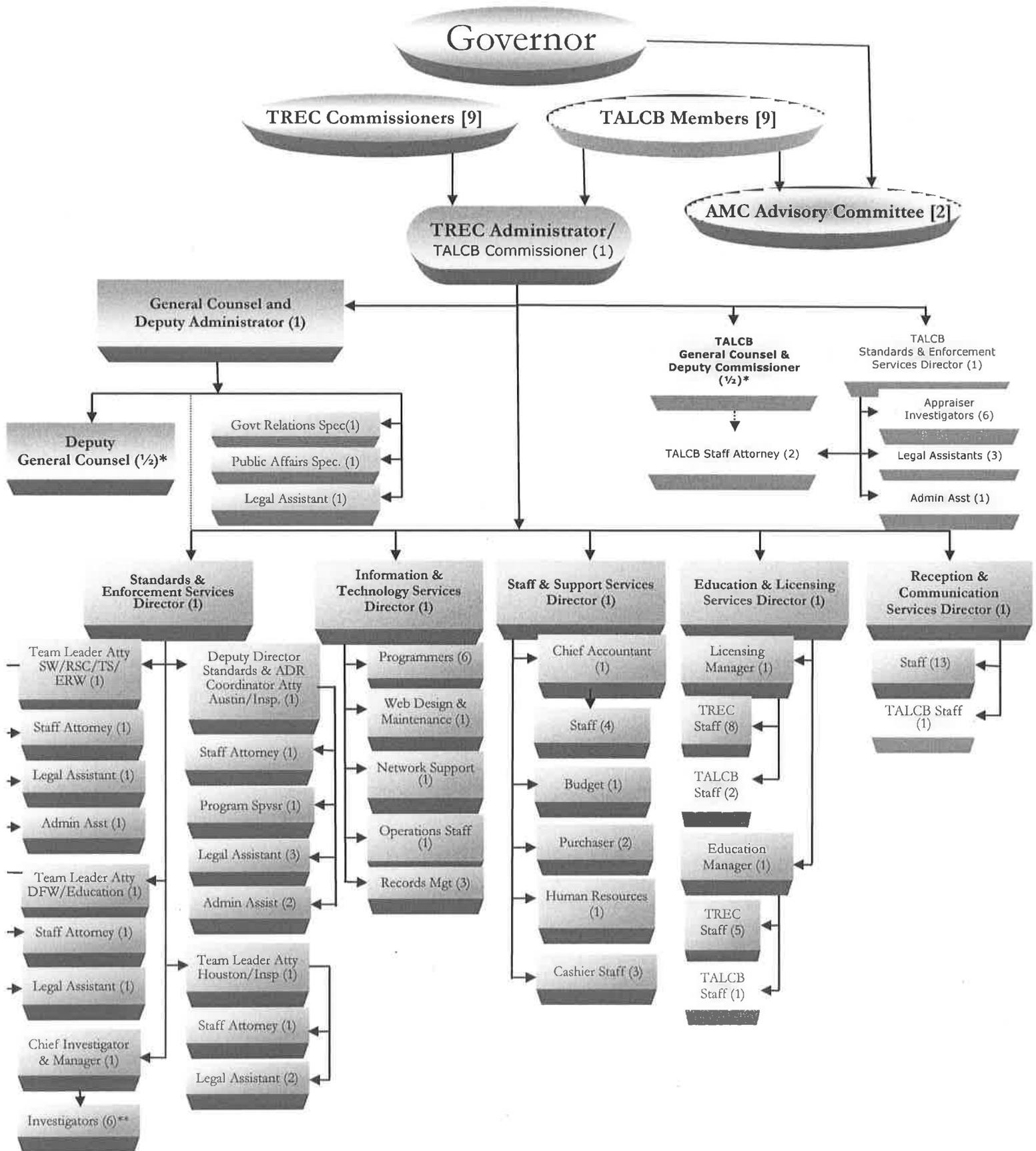
State Agency Annual Procurement Plan

TEXAS REAL ESTATE COMMISSION

Contents of the procurement plan:

- Organizational chart of purchasing division/office.
- Procedures for utilizing credit cards if participating in the U. S. Bank Voyager Retail Fuel Card Program and/or Citi Bank Procurement and Travel Charge Card Program.
- Protest Procedures.
- List and sample of signatures authorized to approve or sign a proprietary justification letter.
- List and sample of signatures authorized to approve agency membership fees.
- The training and certification status of the purchasing employees.
- List of purchasers authorized to purchase on behalf of the State.
- Invitation for Bid (IFB) Template including terms and conditions.
- Internal purchasing procedures for agency.
- Conflict of interest statement(s) (statement signed annually for each purchaser or a memo stating that one is in the purchaser's personnel file).
- Internal purchasing procedures for System for Award Management (SAM), Excluded Parties List System (EPLS).
- The three (3) highest priority purchases the agency expects to make in fiscal 2015 that are not available through a term contract.
- Agency procedures for response to recommendations for delegated solicitation reviews by the Contract Advisory Team (CAT).

TREC/TALCB Organization Chart



* 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 subject matter teams

TEXAS REAL ESTATE COMMISSION
Purchasing Section

The Purchasing Section is within the Staff and Support Services Division of the Texas Real Estate Commission (TREC). It consists of the following two (2) full time equivalent (FTE) positions:

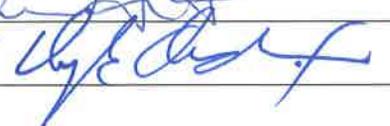
Purchaser V/VI (Purchasing Manager) – Procurement of commodities including information technology resources (computer hardware, software and services), telecommunications, maintenance, services, furniture, equipment, supplies and other commodity or project needed for the operation of the Texas Real Estate Commission (TREC) and the Texas Appraiser Licensing & Certification Board (TALCB); Purchaser discusses procurement needs with agency personnel; gathers information and performs necessary research to develop specifications as required for solicitation in Request for Offers (RFO), Request for Proposals (RFP), Invitation for Bids (IFB), etc. Prepares cost analysis and cost comparisons to determine cost effectiveness and best value. Inspects and accepts deliveries and distributes products received to requesting users. Ensures customer satisfaction with the end users for the products and services procured. Verifies and approves invoices for payment; resolves and/or disputes any invoice discrepancies; performs and/or ensures contract administration and compliance as required. Monitors and ensures compliance with legal and regulatory requirements pertaining to purchasing including preparation and timely submission of all required reports. Develops and writes internal procedures for areas responsible by the Purchasing Section. The Purchasing Manager is also the Historically Underutilized Business (HUB) Coordinator, State Use Coordinator, Mail Coordinator, Facilities Coordinator and Indoor Air Quality Coordinator for the agency. The Purchasing Manager is required to be a Certified Texas Procurement Manager (CTPM).

Purchaser II – Provides assistance to the Purchasing Manager by purchasing various commodities with a value less than \$5,000. Provides technical and administrative assistance by assisting with purchasing documentation, spreadsheets and customer service. Purchases supply items from the TIBH Central Supply Store and other sources. Ensures inventory levels of stock items are sufficient and reorders as necessary. Purchases commodity items on the Comptroller Texas Procurement and Support Services (TPASS) term contracts and TxMAS contracts using the TxSmartBuy system and/or the TPASS automated purchasing system. Assists with purchasing Information Technology items using the Department of Information Resources (DIR) contracts; Inspects and accepts deliveries and distributes items/products to requesting users; ensures customer satisfaction. Prepares payment documentation for the Purchasing Manager to review and approve prior to forwarding to accounts payable for processing. The Purchaser II is a Certified Texas Procurement Manager (CTPM).



Credit Cards

Procedures for utilizing credit cards if participating in the U. S. Bank Voyager Retail Fuel Card Program and/or the Citi Bank Procurement and Travel Charge Card Programs.

Texas Real Estate Commission Name of Division: Staff & Support Services Name of Section: Purchasing	
Chapter 01: Procurement and Travel Card (Credit Card) Policy Section: 1.1 Procurement Card Procedures	
Introduction	The procurement credit card shall be issued to the Texas Real Estate Commission under the provisions of the current state contract with Citicard (or its successor).
Policy	The procurement credit card is designed as a payment method. All purchasing statutes, rules, policies and procedures must be adhered to when utilizing the procurement card.
Procedure	The procurement card is to be used only for small purchases not to exceed \$5,000 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.
Authority	Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter E, 5.57
Approved	DATE: <u>11/7/14</u> PROGRAM MANAGER: <u>Melissa Huerta</u>  ADMINISTRATOR: <u>Douglas E. Oldmixon</u> 



Credit Cards

Procedures for utilizing credit cards if participating in the U. S. Bank Voyager Retail Fuel Card Program and/or the Citi Bank Procurement and Travel Charge Card Programs.

Texas Real Estate Commission

Name of Division: **Staff & Support Services**

Name of Section: **Accounting**

Chapter 01: Procurement and Travel Card (Credit Card) Policy
Section: 1.2 Travel Card Procedures

Introduction The travel credit card shall be issued to the Texas Real Estate Commission under the provisions of the current state contract with Citicard (or its successor).

Policy The travel credit card is designed as a payment method for travel purchases. All purchasing statutes, rules, policies and procedures must be adhered to when utilizing the travel card.

Procedure The travel card is to be used only for paying for travel purchases that have received prior written approval (completed Travel Request Form) by the Travel Coordinator, Division Director (if applicable) or the Administrator (out of State travel only). The travel card is to be secured in the safe located in the Staff and Support Services division.

Authority Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter E, 5.57

Approved
DATE: 11/7/14
PROGRAM MANAGER: Melissa Huerta *Melissa Huerta*
ADMINISTRATOR: Douglas E. Oldmixon *Douglas E. Oldmixon*



Vendor Protest Procedures

<p>Texas Real Estate Commission Name of Division: Staff & Support Services Name of Section: Purchasing</p>	
<p>Chapter 02: Vendor Protest Procedures</p>	
Introduction	<p>The Commission provides a method for vendors to protest purchasing procedures of the Commission.</p>
Policy	<p>22 TAC Rule § 534.7 Vendor Protest Procedures</p> <p>(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 G of 34 TAC §20.384.</p> <p>(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.</p>
Procedure	<p>34 TAC §20.384 Protests/Dispute Resolution/Hearing</p> <p>(a) The following words and terms, when used in this section, shall have the following meaning unless the context clearly indicates otherwise.</p> <p>(1) Comptroller's office--The Office of the Comptroller of Public Accounts, an agency of the state.</p> <p>(2) Chief clerk--deputy comptroller of the comptroller's office.</p> <p>(3) Director--director of Texas Procurement and Support Services of the comptroller's office.</p> <p>(4) General counsel--general counsel of the comptroller's office.</p> <p>(5) Interested parties--All vendors who have submitted bids, proposals or other expressions of interest for the provision of goods or services pursuant to a contract with Texas Procurement and Support Services of the comptroller's office.</p> <p>(6) Using agency--A state agency, governmental entity or other entity involved in the contract.</p> <p>(b) Any actual or prospective bidder, offeror, or contractor who considers himself to have been aggrieved in connection with the solicitation, evaluation, or award of a contract by Texas Procurement and Support Services may formally protest to the director of Texas Procurement and Support Services. Such protests must be made in writing and received by the director of Texas Procurement and Support Services within 10 working days after the protesting party knows, or should have known, of the occurrence of the action that is protested. Formal protests must conform to the requirements of subsections (b) and (d) of this section, and shall be resolved through use of the procedures that are described in</p>

subsections (e) - (i) of this section. The protesting party must mail or deliver copies of the protest to the using agency and other interested parties.

(c) In the event of a timely protest under this section, the state shall not proceed further with the solicitation or award of the contract unless the chief clerk, after consultation with the director of Texas Procurement and Support Services and the using agency, makes a written determination that the contract must be awarded without delay, to protect the best interests of the state.

(d) 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) a statement of any issues of law or fact that the protesting party contends must be resolved;

(5) a statement of the 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.

(e) The director of Texas Procurement and Support Services may settle and resolve the dispute over the solicitation or award of a contract at any time before the matter is submitted on appeal to the general counsel. The director of Texas Procurement and Support Services may solicit written responses to the protest from other interested parties.

(f) If the protest is not resolved by mutual agreement, the director of Texas Procurement and Support Services shall issue a written determination that resolves the protest.

(1) If the director of Texas Procurement and Support Services determines that no violation of statutory or regulatory provisions has occurred, then the director of Texas Procurement and Support Services shall inform the protesting party, the using agency, and other interested parties by letter that sets forth the reasons for the determination.

(2) If the director of Texas Procurement and Support Services determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has not been awarded, then the director of Texas Procurement and Support Services shall inform the protesting party, the using agency, and other interested parties of that determination by letter that details the reasons for the determination and the appropriate remedy.

(3) If the director of Texas Procurement and Support Services determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has not been awarded, then the director of Texas Procurement and Support Services shall inform the protesting party, the using agency, and other interested parties of that determination by letter that details the reasons for the determination and the appropriate remedy.

(g) The protesting party may appeal a determination of a protest by the director of Texas Procurement and Support Services to the general counsel. An appeal of the director's determination must be in writing and received in the office of the general counsel by not later than 10 working days after the date on which the director has sent written notice of his determination. The scope of the appeal shall be limited to review of the director's determination. The protesting party must mail or deliver to the using agency and all other

	<p>interested parties a copy of the appeal, which must contain a certified statement that such copies have been provided.</p> <p>(h) The general counsel may refer the matter to the chief clerk for consideration or may issue a written decision that resolves the protest.</p> <p>(i) The following requirements shall apply to a protest that the general counsel refers to the chief clerk.</p> <p>(1) The general counsel shall deliver copies of the appeal and any responses by interested parties to the chief clerk.</p> <p>(2) The chief clerk may consider any documents that agency staff or interested parties have submitted.</p> <p>(3) The chief clerk shall issue a written letter of determination of the appeal to the parties which shall be final. In a subsequent open meeting conducted by the chief clerk under §20.383 of this title (relating to Open Meetings for Certain Contract Awards), the chief clerk shall inform the Statewide Procurement Advisory Council of any such recent determinations by the chief clerk on any contract awards made in any open meeting attended by the council.</p> <p>(4) A protest or appeal that is not filed timely shall not be considered unless good cause for delay is shown or the chief clerk determines that an appeal raises issues that are significant to agency procurement practices or procedures in general.</p> <p>(5) A written decision that either the chief clerk or the general counsel has issued shall be the final administrative action of the comptroller's office.</p> <p>(j) Texas Procurement and Support Services shall maintain all documentation on the purchasing process that is the subject of a protest or appeal in accordance with the retention schedule of Texas Procurement and Support Services.</p>
Authority	§1101.151 Texas Occupations Code
Approved	<p>DATE: <u>11/7/14</u></p> <p>PROGRAM MANAGER: <u>Melissa Huerta</u> </p> <p>ADMINISTRATOR: <u>Douglas E. Oldmixon</u> </p>



Proprietary Justification

List and sample of signatures authorized to approve or sign a proprietary justification letter.

Signature 

Print Name Douglas E. Oldmixon

Comments TREC Administrator/TALCB Commissioner

Signature _____

Print Name _____

Comments _____

Signature _____

Print Name _____

Comments _____

Signature _____

Print Name _____

Comments _____

Comments may indicate title, authorized individual or designated by authorized individual to sign, any other information.



Agency Membership Fees

List and sample of signatures authorized to approve agency membership fees.

Signature *Doug E. Oldmixon*

Print Name Douglas E. Oldmixon

Comments TREC Administrator/TALCB Commissioner

Signature _____

Print Name _____

Comments _____

Signature _____

Print Name _____

Comments _____

Signature _____

Print Name _____

Comments _____

Comments may indicate title, authorized individual or designated by authorized individual to sign, any other information.



Training and Certification

Training and certification status of agency purchasing employees.

Print Name Myra Martin

Certification Type: Certified Texas Purchaser

Issue Date: March 1, 2013

Expiration Date: March 1, 2018

Certification Number: 130302

Print Name Myra Martin

Certification Type: Certified Texas Procurement Manager

Issue Date: May 2, 2013

Expiration Date: May 1, 2018

Certification Number: M1161



Agency Purchasers

List of agency purchasers authorized to purchase on behalf of the State.

Signature Myra Martin

Print Name Myra Martin

Signature _____

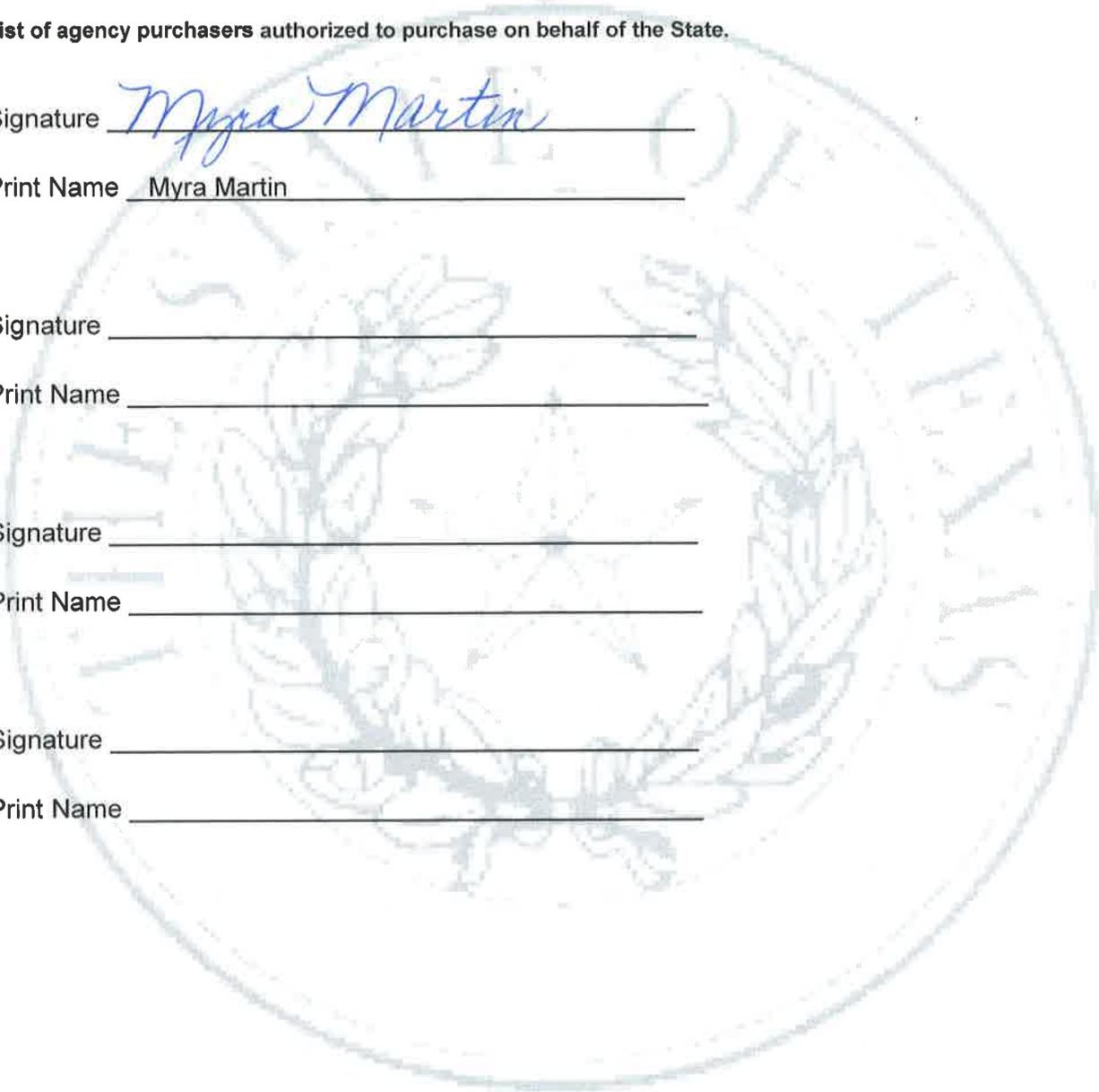
Print Name _____

Signature _____

Print Name _____

Signature _____

Print Name _____





TEXAS REAL ESTATE COMMISSION
INVITATION FOR BIDS

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

BID OPENING > AM/PM

REQUISITION NO. 329-
PAGE OF
FAILURE TO SIGN WILL DISQUALIFY BID

Form with fields for AGENCY TO INVOICE and DESTINATION OF GOODS IF DIFFERENT THAN ABOVE

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.

VENDOR ADDRESS AND IDENTIFICATION NUMBER

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

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 ID
(VENDOR NAME)

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



Internal Purchasing Procedures

Texas Real Estate Commission	
Name of Division: Staff & Support Services Division	
Name of Section: Purchasing Section	
Chapter 03: Internal Purchasing Procedures Section: 3.1 Purchase Requisition Processing	
Introduction	The policy pertains to the purchase requisition initiation, approval process and processing.
Policy	<ol style="list-style-type: none"> 1. A Purchase Requisition Form is required for all goods or services that are desired to be purchased. 2. 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. 3. 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 & Support Services/Chief Financial Officer (or Chief Accountant in the absence of the Chief Financial Officer).
Procedure	<ol style="list-style-type: none"> 1. The approved requisition form is sent to the Purchasing Section in the Staff & Support Services Division. The Purchaser reviews the requisition then forwards it to the Director of Staff & Support Services/Chief Financial Officer (or Chief Accountant in the absence of the Chief Financial Officer) for review and certification of funds. Upon all necessary approvals, purchase requisition forms are returned to Purchasing for processing. 2. The Purchaser reviews the requisition for the following: <ol style="list-style-type: none"> 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 is completed by the purchaser and circulated with the attached contract for review and approval by the appropriate team members.
Authority	Texas Government Code, Chapter 2155 Section 131
Approved	<p>DATE: <u>11/7/14</u></p> <p>PROGRAM MANAGER: <u>Melissa Huerta</u> </p> <p>ADMINISTRATOR: <u>Douglas E. Oldmixon</u> </p>



Internal Purchasing Procedures

Texas Real Estate Commission Name of Division: Staff & Support Services Division Name of Section: Purchasing Section	
Chapter 03: Internal Purchasing Procedures Section: 3.2 Purchase Order Processing	
Introduction	The policy pertains to processing purchase orders in accordance with the rules and regulations of the Texas Procurement and Support Services (TPASS)
Policy	The agency will follow the procedures set forth in the State of Texas Procurement Manual and the Contract Management Guide.
Procedure	<ol style="list-style-type: none">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 (see Section 2.4 of Procurement Manual). Determine if the item can be purchased through a set aside program (TIBH or TCI), Section 2.5 Procurement Manual.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 Purchase Requisition Log book is maintained in electronic format (MS Excel) located in the SSS common drive, Purchasing folder, subfolder, PO Log (and corresponding FY). Information required under each column in the log book is completed for each purchase order number issued.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. <p>NON-DELEGATED PURCHASES: TERM CONTRACTS (Section 2.6 of Procurement Manual)</p> <p>1) TXSmartBuy (TSB) (formerly automated) Contracts (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.</p> <p>2) Managed Contracts (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</p>

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.

4) TEXAS MULTIPLE AWARD SCHEDULES (TXMAS) CONTRACTS (PCC: X) (Section 2.8.1 Procurement Manual)

a) 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. The purchaser may search TXMAS contracts on the TPASS web site at: <http://www.window.state.tx.us/procurement/prog/txmas/>

b) When a TXMAS contract is utilized, the purchaser issues a purchase order through the TXSmartBuy (TSB) system if available. If not available on TSB, the purchase order is sent directly to the vendor using the TXMAS Purchase Order form found in the forms library on the TPASS website.

OPEN MARKET PURCHASES (Section 2.7 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.

DIR COOPERATIVE CONTRACTS (PCC: I)- Refer to the DIR website at:

<http://www.dir.texas.gov/ict/contracts/Pages/ProductsServices.aspx>; also see Section 2.11 of Procurement Manual.

The Purchaser must buy information technology (IT) and telecommunication commodity items through the Department of Information Resources (DIR) cooperative contracts (also called GoDIRect contracts) unless an exemption applies. Blanket exemptions can be found in the IT Commodity Purchasing Guidelines at:

<http://www.dir.texas.gov/ict/resources/Pages/itcommoditypurchasingforstateagencies.aspx>

If the commodity class and item is available on a DIR contract, it must be purchased from that contract unless an exemption (waiver) is requested by the agency and granted by DIR. A Request for Offer (RFO) is sent to the DIR vendor. It is the 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 (Section 2.10 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 for the vendor's company name and name of individual signing bid document through the Excluded Parties List System (EPLS) website at: <https://www.sam.gov>. For routine "spot purchases", the Texas Real Estate Commission will conduct a periodical search of the EPLS for each vendor used. EPLS records of frequently used vendors will be maintained in the Staff & Support Services common shared drive, Purchasing, EPLS folder.

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 listed with an active exclusion on the Excluded Parties List System (EPLS) website). See Chapter 4 Internal Purchasing Procedures for EPLS.

Warrant Hold Status:

For purchases over

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//cmb/cmbhub.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 2.23 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 <https://portal.cpa.state.tx.us/> 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 all 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, Section 4.2.

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. Also see Internal Purchasing Procedures for CATRAD Recommendations.

ISSUING PURCHASE ORDERS:

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 (TSB) 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.
- 6) Upon processing a purchase order in TXSmartBuy, the Purchase Order must be entered by the Purchaser into the SAGE MIP Accounting System. (See Item C below for instructions).

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 14"), 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 FY14".
- 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.

C. ENTERING PURCHASE ORDERS USING SAGE MIP FUND ACCOUNTING SOFTWARE:

1) Open MIP Accounting. Choose the Purchasing module; Click on Create/Modify Reference

2) Click on New

(Tab to move between fields)

Number Type: Defaults to 'Reference'

Number: Type in PO Number

Date: Defaults to current date or Type in date

Status: Defaults to 'In Process'

Description: Type in brief description

Vendor ID: Type in Vendor ID

Shipping Address: Choose 329-000 from drop down menu

Billing Address: Choose 329-001 from drop down menu

Attention:

Buyer:

FOB:

Shipping Method:

Comments: Examples: Contract number, legal text, etc

3) Click on tab at the top 'Item Detail' to input additional information

Line#: Automatically populates

Category Code: Type in NIGP Category code

Item Code: Type in Item code (start with the Category code)

Item Description: Automatically populated with category item code description – delete, then change to description of actual purchase

Special Instructions: Optional – (Examples: Delivery instructions; contract period, etc)

GL Code: Type in Agency Object Code

Distribution Code: Type in PCA-Fund-COBI

Purchase Unit: Enter type (Ex: each, box, month, year, etc)

Quantity: enter quantity

Unit Price: enter price

Total: Automatically calculated

Date Required by: Optional

Date Promised: Optional

Requested for: Optional

Requisition number: Type in PO number

4) Click on tab 'User Defined Fields' to input additional information

HUB: Check box if Yes

HUB ETHNICITY: Choose from drop down list (choose NA if not a HUB)

HUB GENDER: Choose from drop down list

PCC: Choose from drop down list

RECYCLING: Check box if Yes

Click on 'Save' button at bottom of screen. Enter another PO if applicable.

	<p>5) Printing PO's Click on PO Information tab at top Number: Choose PO number to print Status: Select Ready to Print from drop down menu Printer Icon is now available to use. Click printer icon: Pop up window will display. Change the Number to the current PO number and click OK</p> <p>6) Encumbrance Session window will pop up. Session ID: enter a '+' sign to generate the next session ID number (Make sure session number follows the numbering convention of 'ENC MMDDYYxxx' where xxx begins with 001 each day. Status: Defaults to BP (Batch-To-Post). Can also choose BS (Batch-To-Suspend) Description: Type in initials (ex: MH) Date: Defaults to current date Click on Start button (voucher will be sent to printer) Save to a PDF file in the SSS common drive, Purchasing, Purchase Orders, MIP Purchase Orders Click Yes if PO printed correctly. Close session.</p> <p>7) Go to Post Transactions Select Transaction Source to post (ENC and Session ID). Click Post button. This will clear off the ENC session. (if the error comes up that you are over budget, select 'continue posting' and click OK. *CLOSE SESSION! – no one else can access the Post Transaction session if it is not closed.</p> <p>8) RECEIVE ITEMS IN MIP: Go to Receive Items in the Purchasing module. (Tab to move between fields) Receipt Number: enter a '+' sign to generate next number for the day. *If this is the first receipt of the day, change the receipt number to MMDDYYYY001. Receipt Date: Automatically populated with current date. Can change if needed. Received By: Choose from drop down list or type in name. Vendor ID: Type in VID Go to Receive Items in the Purchasing module. Purchase Order Number: Select PO from drop down list Items to receive will be shown on screen. Choose either Receive All, or scroll with scroll bar to Quantity Received and type in quantity received. Click on POST. Click on Close.</p>
Authority	Texas Government Code, Chapter 2155 Section 131
Approved	<p>DATE: <u>11/7/14</u></p> <p>PROGRAM MANAGER: <u>Melissa Huerta</u> </p> <p>ADMINISTRATOR: <u>Douglas E. Oldmixon</u> </p>



Internal Purchasing Procedures

Texas Real Estate Commission Name of Division: Staff & Support Services Division Name of Section: Purchasing Section	
Chapter 03: Internal Purchasing Procedures Section: 3.3 Delivery Receipt and Payment Processing	
Introduction	The policy pertains to the receiving delivery and processing the payment for commodities purchased.
Policy	The agency will ensure that the commodities delivered are complete and acceptable before payment is approved and submitted to the vendor. The agency will comply with the State of Texas Prompt Payment Act for payment processing.
Procedure	<p>RECEIVING DELIVERIES:</p> <p>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. Upon verification of accuracy, the delivery is accepted and packing slip is signed and dated. The packing slip (if available) is stapled to the back of the purchase order. If there is no packing slip, the purchase order is documented with the completion/delivery date of acceptance and signature of acceptance.</p> <p>If an item received is valued over \$500.00, an inventory number is assigned and an inventory tag is placed on the item. The inventory information is prepared by the purchaser and is given to the Accounting section to enter in the Statewide Property Accounting (SPA) system. Items valued less than \$500.00 that are not required to be controlled by the agency in SPA may be tracked in the TREC Inventory Log (RE: Inventory Procedures 5-21-2010).</p> <p>All correspondence is attached to the completed purchase order and it is retained in the Purchaser's Office in the "Pending Invoices" file. The date received is recorded in the Purchase Requisition Log Excel Workbook under the purchase order number. The item is also "Received" in the SAGE MIP Accounting System (See Chapter 03, 3.2).</p> <p>DELIVERY: After the steps above have been completed, the item/product is delivered to the requesting customer or placed in the appropriate storage area.</p> <p>VENDOR PERFORMANCE:</p> <p>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/</p> <p>PAYMENT PROCESSING:</p> <p>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.</p> <p>If there is a discrepancy, the vendor is contacted and the invoice is held until the discrepancy is resolved. In the event that the invoice is disputed, it is important to notify vendors promptly. Agencies have 21 days to notify a vendor with the agency disputes an invoice.(Refer to Prompt</p>

	<p>Payment rules at: https://fm.x.cpa.state.tx.us/fm/pubs/purchase/prompt_pay/index.php. When the invoice is approved for payment, a Payment Approval Form (Appendix C) 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 or in the Comptroller's Manual of Accounts found at: https://cpafmprd.cpa.state.tx.us/fiscalmoa/cobj.jsp?type=exp. Purchase Category Codes (PCC) codes are listed in Section 2.47 of the TPASS Procurement Manual. Object codes and PCC codes and are referenced in the Purchase Requisition Log book and assigned to the P.O in the MIP Sage Accounting system when the purchase order is issued. A Payment Approval Form is completed with the payment coding information required for payment by the Accounts Payable section. Upon completion of the Payment Approval Form, the purchase order and supporting documentation, delivery receipt and invoice are attached and forwarded to Accounts Payable for processing. It is the Purchaser's responsibility to comply with Prompt Payment Act of Texas (https://fm.x.cpa.state.tx.us/fm/pubs/purchase/prompt_pay/index.php). Payments must be paid within 30 days from receipt of service or invoice (whichever is later) or interest is automatically calculated to the total payment.</p>
Authority	Texas Government Code, Chapter 2155 Section 131
Approved	<p>DATE: <u>11/7/14</u></p> <p>PROGRAM MANAGER: <u>Melissa Huerta</u> </p> <p>ADMINISTRATOR: <u>Douglas E. Oldmixon</u> </p>

CONFLICT OF INTEREST

TEXAS GOVERNMENT CODE §2155.003

Under Texas Government Code § 2155.003, a TPASS 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 vendors who interact with public purchasers in the conduct of state business. Entities who are interested in seeking business opportunities with the State must be mindful of these restrictions when interacting with public purchasers of TPASS or purchasers from other state agencies.

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

Myra Martin
Employee Signature

9-2-2014
Date

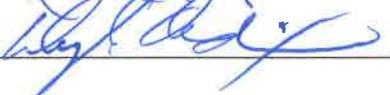
Myra Martin
Printed Name

cc: Personnel File
Supervisor's File



Internal Purchasing Procedures

System for Award Management (SAM)
Excluded Parties List System (EPLS)

Texas Real Estate Commission	
Name of Division: Staff & Support Services	
Name of Section: Purchasing	
Chapter 04: Internal Purchasing Procedures for SAM/Excluded Parties List System (EPLS)	
Introduction	The policy pertains to conducting vendor searches through the Federal Excluded Parties List System (EPLS).
Policy	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.
Procedure	<p>Prior to making an award for any delegated purchase or prior to the renewal of a contract, the purchaser will conduct searches for the vendor's name and name of individual signing bid document through the Excluded Parties List System (EPLS) website at: https://www.sam.gov. For routine purchases made from frequently used vendors, the Texas Real Estate Commission will conduct periodical searches for these vendors. EPLS records of frequently used vendors will be maintained in the Staff & Support Services common shared drive, Purchasing, EPLS Sheets folder.</p> <p>To conduct a search on the EPLS:</p> <p>A. Access the SAM website at http://www.sam.gov.</p> <p>B. Search 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.</p> <p>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 and is has an "Active Exclusion", the purchase cannot be awarded to that vendor.</p> <p>NOTE: EPLS checks are not required for awards made to TIBH Industries Inc. and Texas Correctional Industries (TCI) as these entities hold statutory and contractual responsibilities under the state's set aside program.</p>
Authority	Texas Government Code, Section 2155.077 and the Texas Administrative Code, Title 1, Part 5, Chapter 113, Subchapter F, Rule 113.102(d)(8).
Approved	<p>DATE: <u>11/7/14</u></p> <p>PROGRAM MANAGER: <u>Melissa Huerta</u> </p> <p>ADMINISTRATOR: <u>Douglas E. Oldmixon</u> </p>



Priority Purchases for FY 2015

The three (3) highest priority purchases the agency expects to make in fiscal 2015 that are not available through a term contract.

1. **Versa Licensing Software Maintenance**

Comments:

Maintenance and support of existing licensing software system – procured through a DIR contract

2. **Imaging services**

Comments:

Ongoing project being procured through a CCG Contract

3. **Website Redesign**

Comments:

Procure as needed through DIR contracts



Procedures for Response to CAT Recommendations

Texas Real Estate Commission	
Name of Division: Staff & Support Services	
Name of Section: Purchasing	
Chapter 05: Response to Contract Advisory Team (CAT) Recommendations	
Introduction	The policy describes the procedures for responding to recommendations for delegated purchase reviews by the Contract Advisory Team (CAT).
Policy	<p>Texas Real Estate Commission will comply with the Contract Management Guide (CMG) for delegated solicitations as follows:</p> <ol style="list-style-type: none"> 1. Any agency major contract solicitation over \$10 million in value must be submitted to the CAT team for review. 2. Any agency contract solicitation (IFB or RFP) for the purchase of services over \$100,000 per year must be submitted to TPASS (CATRAD) as a request for delegated purchase authority.
Procedure	<ol style="list-style-type: none"> 1. To initiate the agency request for a review, the purchaser completes an online application through the TPASS portal system at https://portal.cpa.state.tx.us/. Log into the portal system then access the CATRAD application. Complete steps 1 thru 3 and submit. A Contract Review Receipt will be automatically generated. This should be printed and retained in the purchasing file. 2. CATRAD has a standard review schedule consisting of 30 days for CAT reviews which include solicitations of "major contracts" defined as those with a monetary value of at least \$10 million and 14 days for Delegation reviews identified as solicitations for services of \$100,000 or greater. If this schedule does not meet the agency's deadline, CATRAD will work to accommodate the agency's schedule by contacting Mark Kaspar at 512-463-8169 or mark.kaspar@cpa.state.tx.us . 3. An itemized review of the solicitation with recommendations will be sent to the TREC purchaser by the CAT member performing the review. These recommendations should be reviewed by the Purchaser, General Counsel, Administrator and any other team members involved in preparing the solicitation. 4. The agency will comply with the CAT's recommendations on solicitation and contract documents submitted for mandatory CAT review; or submit a written explanation to the CAT regarding why a specific CAT recommendation is not applicable to the contract under review. 5. If the initial major contract solicitation document submitted to the CAT changes substantially, the agency will resubmit its solicitation document(s) for CAT review. Changes in the major contract solicitation are considered substantial when: <ol style="list-style-type: none"> a) the solicitation change caused the estimated value for the original term of the contract, not including renewal periods, to increase by 25 percent or more; or b) there are significant revisions, deletions and/or additions to the specifications, statement of work (SOW), set(s) of deliverables, performance measures, payment methodology, etc.
Authority	Texas Government Code, 2262.052 and 22.62.101 (d)
Approved	<p>DATE: <u>11/7/14</u></p> <p>PROGRAM MANAGER: <u>Melissa Huerta</u> </p> <p>ADMINISTRATOR: <u>Douglas E. Oldmixon</u> </p>