



TEXAS REAL ESTATE COMMISSION

FY2020 PROCUREMENT PLAN

NOVEMBER 30, 2019



**Texas Comptroller of Public Accounts
Statewide Procurement Division
FY20 Agency Procurement Plan Template**

Instructions:

Please complete the information below and submit it with the requested attachments to procurement.plans@cpa.texas.gov by November 30, 2019.

General Information

Agency Name: Texas Real Estate Commission
Agency Number: 329

Procurement Director Contact Information

Name: Priscilla Pipho, Director of Staff & Support Services
Phone Number: 512-936-3590
E-mail Address: priscilla.pipho@trec.texas.gov

Purchasing Capacity Assessment

Dollar value of agency delegated purchases for FY19: \$171,021.20 (does not include Interagency Contracts (doc T) or Exempt Purchases (doc 9)).

Number of purchasing FTEs: 1.6

Automated purchasing tools used by the agency (if applicable): Microsoft Excel

Please attach the following:

- Copy of agency's purchasing and contract management procedures which include protest procedures developed by the agency. *See attached*
- Credit card procedures regarding the issuance and security of payment cards and the use of those cards by the agency's employees. *See attached*
- Attach or provide links to any SAO audits of purchasing and contract management functions for FY19-FY20
State Auditor's Office – <http://www.sao.texas.gov/SAOReports/ReportNumber?id=19-044>
- Attach or provide links to any Comptroller post payment or procurement audits for FY19-FY20
 1. *The Comptroller performed an audit in October, but the final audit report has not been completed. The audit was for the period of December 1, 2017 through November 30, 2018 (FY18-19)*
 2. *Sunset Advisory Commission - <https://www.sunset.texas.gov/reviews-and-reports/agencies/texas-real-estate-commission>*

Certified Procurement Professionals

Number of certified purchasing FTEs: 3

Number of certified contract management FTEs: 2

Please attach the following:

- Name, title and certification number for each purchasing FTE - *See attached*
- Name, title and certification number for each contract management FTE – *See attached*

Training Projections for the Fiscal Year

Number of seats needed for CTCD certification courses for FY20:

Number of seats needed for CTCM certification courses for FY20:

Delegated Purchasing Assessment

Please list the names of personnel with delegated signature authority for proprietary justifications:

Douglas E. Oldmixon, Executive Director

Chelsea Buchholtz, Executive Director effective January 1, 2020

Please complete the table below with the requested information on your agency's five delegated purchases anticipated to have the highest expenditure for commodities or services (excluding professional services) not available on an existing contract through CPA or DIR for FY20.

Delegated Purchase	Anticipated Value for FY20	Previous FY Value for same/similar purchase:	Name of current vendor:	Has the agency looked for the item on CPA or DIR contract? (Y/N)
Exam Development & Administration Services	5,000,000.00 No expenditure to the agency or State	n/a	Pearson VUE	Y
Video-streaming services	19,000.00	19,700.00	AdminMonitor	Y
Annual Subscription for Appraisal Research	16,380.00	11,940.00	CoStar Realty	Y
Managed security service for SonicWall NSA	6,000.00	5,415.00	Cerdant, Inc.	Y

TEXAS REAL ESTATE COMMISSION INTERNAL PURCHASING PROCEDURES

Updated 11-19-2019

The Procurement Team is within the Staff & Support Services (SSS) 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 Procurement Team consists of three (3) positions.

PURCHASE REQUISITION INITIATION AND APPROVAL PROCESS

A Purchase Requisition Form is prepared by program personnel desiring goods or services. Electronic Purchase Requisitions are the preferred delivery method, however paper requisitions are accepted.

The requisition form must be approved by the Division Director of the requesting division. Division Directors have the authority to approve purchases up to \$2,500. Purchase requests exceeding \$2,500 require approval by the TREC Executive Director or TREC Deputy Executive Director. The approved requisition form is sent to the Procurement team in the Staff and Support Services Division. The Purchaser receives the requisition then forwards it as follows:

Below \$1,000 – Review and approval by Director of Staff & Support Services/Chief Financial Officer (or Accounting Manager) in the absence of the Chief Financial Officer).

Over \$1,000 - Review and approval by Budget Analyst, then approval by the Director of Staff Services/Chief Financial Officer (or CAPPS Project Manager or Accounting Manager in the absence of the Chief Financial Officer) for review and certification of funds.

Over \$2,500 – Final approval by Executive Director or Deputy Executive Director

Exception: All routine requisitions for envelopes, paper, supplies, etc. that do not exceed \$2,500 and requisitions for postage that do not exceed \$5,000 are approved by the Director of Staff and Support Services/Chief Financial Officer (or CAPPS Project Manager or Accounting Manager in the absence of the Chief Financial Officer).

Electronic Purchase Requisition Procedures:

- 1) Adobe PDF Requisition found on the Agency Common drive is used for all requests for purchase
- 2) Requisition is routed via email for electronic signatures
- 3) Approval signatures are needed as follows:
 - a. Division Directors for all purchases within their divisions
 - b. Director of SSS for all purchases
 - c. Budget Analyst for purchases over \$1000
 - d. Executive Director for purchases over \$2500
 - e. Executive Director for subscriptions, memberships and travel outside the state (regardless of cost)
- 4) Email routing:
 - a. Requestor routes purchase requisition pdf with electronic signature to Division Director or designee
 - b. Division Director or designee provides justification as needed and forwards to procurement@trec.texas.gov

- c. Purchasing saves the requisition to SS common/ Purchasing/PURCHASE REQUISITIONS/FY20 in the appropriate reviewer's folder.
- d. DoSSS (or CAPPs Project Manager or Accounting Manager as back-up) and Budget Analyst sign the requisition electronically and save in the common file with initials on filename when signature is complete
- e. Purchasing routes electronically to Executive Director as needed and upon approval saves as "final" within the READY FOR PO folder.
- f. Purchase requisition is assigned a purchase order number, then moved and saved in the SS common/Purchasing/PURCHASE ORDERS FY20 folder by purchase order.

PURCHASE REQUISITION PROCESSING

1. A Purchase Requisition Form is received electronically in the Procurement In Box and copied to the Purchasers. If paper, the form is delivered to the Purchasing Section in SSS.
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 and is a new acquisition, a Contract Routing Sheet should be completed by the purchaser and circulated with the attached contract for review and approval by the appropriate team members. Contract Routing Sheets are not required for procurement of services through an Interagency Cooperation Contract (IAC), Memorandum of Understandings (MOU) or Letter of Agreements (LOA).

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 Statewide Procurement Division (SPD) website to access the NIGP Commodity Book at: <https://comptroller.texas.gov/purchasing/nigp/>
3. Based on the commodity class and item, delivery requirement and cost, identify the appropriate purchasing method to be used. Refer to the State of Texas Procurement and Contract Management Guide at: <https://comptroller.texas.gov/purchasing/publications/procurement-contract.php>
Check to see if the item can be purchased through a set aside program (TIBH or TCI)
Re: Procurement and Contract Management Guide, Page 16.
4. After determining which purchasing method should be used, a purchase order number (also known as requisition number) is assigned. The purchase order number is assigned from the Purchase Order (PO) Log book. The information required in the PO Log is completed for each number. The Purchase Requisition Log book is maintained in electronic format (MS Excel) on a shared drive for access by the Staff & Support Services (SSS) division.
5. The following purchasing methods are ones most commonly used by TREC. Refer to the Texas Procurement and Contract Management Guide at: <https://comptroller.texas.gov/purchasing/publications/procurement-contract.php> for additional purchasing methods and more detailed information.

NON-DELEGATED PURCHASES: TERM CONTRACTS

1) TxSmartBuy Contract (PCC: A)

Commodities/services available through a term contract with the SPD are ordered using the TX SmartBuy Purchasing System. See Procedures for Accessing TX SmartBuy System at: <http://www.txsmartbuy.com/>. Upon placing the order through SmartBuy, a purchase order is automatically generated by the SmartBuy system and sent to the vendor and TREC via e-mail. The p.o. is saved in the Purchase Orders folder on the SSS common drive, printed and stapled to corresponding requisition in and placed in the TREC suspense file, titled "Contract Purchase Orders". This folder is located in the rolling file cabinet in the Lead Purchaser's office. Examples of automated contract purchases are paper, envelopes, file folders, furniture, etc.

2) Managed Contract (PCC: C)

Commodities/services available through a SPD managed term contract, but are not available using the SPD 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, temporary employee services, etc.

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

The use of TXMAS contracts was developed by SPD 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. Refer to <https://comptroller.texas.gov/purchasing/publications/procurement-contract.php>
The purchaser may search TXMAS contracts on the SPD web site at: <http://www.txsmartbuy.com/contracts?filterBy=TXMAS>

TXMAS purchases are ordered using the TXSmartBuy system with the purchase order being automatically generated and sent to the vendor and the agency as described above for automated purchase orders.

For TXMAS purchases \$25,000 or over, awards must be posted on the Electronic State Business Daily (ESBD).

OPEN MARKET PURCHASES (PCC S)

Purchases for goods or commodities \$25,000 - \$50,000.00 – formal competitive bids
Purchases for services \$25,000 to \$100,000 – formal competitive bids

Purchases for goods or services over \$25,000 must be advertised (posted) on the Electronic State Business Daily (ESBD) for a minimum of 14 calendar days, if electronically available. . If not available electronically, then it must be posted 21 calendar days. To access the Procurement Section of the ESBD, sign into TXSmartBuy at: <http://www.txsmartbuy.com/>.

At the top, click on SPD Applications and select View ESBD Postings.

Purchases exceeding \$50,000 for commodities (not IT) are submitted to SPD as an Open Market Requisition

DIR CONTRACTS (PCC: I) - See DIR website at: <http://dir.texas.gov/View-About-DIR/FAQs/Pages/Content.aspx?id=7#item9>

The Purchaser must buy information technology (IT) commodities and services through the Department of Information Resources (DIR) contracts unless an exemption applies. Before submitting an Exemption Request to DIR, Blanket exemptions can be found on the DIR website at: <http://dir.texas.gov/View-Contracts-And-Services/Pages/Content.aspx?id=3>. If the item is available on a DIR contract, it must be purchased from 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 the DIR vendor for the product or service being requested. 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. The purchase order is issued and sent directly to the vendor. The DIR contract number must be referenced on the purchase order.

Threshold Requirements:

Commodities (Hardware, software and some services):

- \$50,000 or less – May award directly to vendor of choice on DIR contract;
- More than \$50,000 but less than \$150,000 – Must request three (3) offers from DIR vendors;
- More than \$150,000 but less than \$1 million – Must request six (6) offers from DIR vendors;
- Thresholds do not apply to contract for telecommunications services, such as DIR TEXAN services.

Statement of Work (SOW) Requirements

- For purchase of services with an estimated value of more than \$50,000 but less than \$1 million, DIR must review SOWs for the following contracts:
 - Deliverables-Based Information Technology (DBITS)
 - Managed Services for Information Technology
 - IT Security Services
 - Cloud Services (when an SOW is executed)
 - Comprehensive Web Development

If the item is not available on a DIR contract, an exemption request must be submitted to DIR and another procurement method must be used upon approval of the DIR exemption request. Purchases of information technology commodities or services not available through DIR contracts should be coded with **PCC D**.

DELEGATED PURCHASES (Refer to Page 26-31 of Procurement & Contract Management Guide)

1) \$0 - \$5,000 (PCC: E) - For items not on contract through SPD that are \$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 exclusions for award and renewal purposes through the System for Award Management (SAM) website at: <https://www.sam.gov/SAM/> for the vendor's company name and name of individual signing bid document. For routine "spot purchases", the Texas Real Estate Commission may conduct a quarterly search of exclusions records for each vendor used. SAM searches for frequently used vendors are stored electronically on the SSS common drive, Purchasing folder, EPLS Sheets subfolder and in the corresponding PO folder.

Before a purchase order is issued, the purchaser verifies that the vendor is not listed with an exclusion on the SAM website by performing a search (Re: <https://www.comptroller.texas.gov/purchasing/publications/sam-epls.php>)

In SAM, you can enter multiple search terms in the search bar. If you export your search results to the PDF, only the first term is displayed. There are several possible workarounds. For each, you begin by entering your search term on the Search Records page and click Search.

The following other vendor searches should be checked before a purchase order is issued:

1. Vendor Hold Search - <https://fmcpa.cpa.state.tx.us/tpis/> - **Required for Procurement Card purchases over \$500.** Print for purchasing file or save as .PDF to corresponding PO folder.
2. Taxable Entity Search - <https://mycpa.cpa.state.tx.us/coa/>
3. Divestment Statute Lists - <https://comptroller.texas.gov/purchasing/publications/divestment.php>
4. Debarred Vendor List - <https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php>

If the vendor is not excluded on the SAM or no other holds are found, 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.

- 1) **\$5,000 - \$25,000** (PCC: F - Commodities or PCC: Q - Services) If the purchase is over \$5,000 and not on contract through SPD 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 SPD web site at:
<https://mycpa.cpa.state.tx.us/tpasscblsearch/tpasscblsearch.do>
- 2) 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. If it enhances competition, non-CMBL vendors may be added to the bid list with written approval from the Director of Staff Services, Deputy Executive Director or Executive Director. 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. The original is sent to vendor and a copy is retained in "Delegated Purchases" file in the purchaser's office until delivery is completed.

3) \$25,000 - \$50,000 Goods and Services (Delegated) - PCC: S

Purchases for goods or services from \$25,000 to \$50,000, formal (written) competitive bids are required. 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, Deputy Executive Director or Executive Director.

Develop specifications or a Statement of Work (SOW) and create a written Invitation for Bid (IFB). Purchases \$25,000 or over must be advertised (posted) on the *Electronic State Business Daily (ESBD)*. 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 search the ESBD, go to: <http://www.txsmartbuy.com/sp>. To access and post to the ESBD, you must sign in through the Texas SmartBuy system using your e-mail address and password. For assistance with this, email txsmartbuy@cpa.texas.gov or call 512-936-2764. 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 on the EPLS web site. The EPLS printout should be attached to the p.o.. If the vendor meets all requirements, the purchase is awarded and a purchase order is issued. The original is sent to vendor and a copy is retained in "Delegated Purchases" file in the purchaser's office until delivery is completed.

4) Purchases of Goods \$50,000 to \$100,000 (Non-Delegated PCC-S)

Purchases \$50,000 to \$100,000 for goods not available on a State Contract (including DIR contracts) must be submitted as an Open Market Request to SPD. In some cases, SPD and the agency may determine that a Request for Proposal (RFP) is a better purchasing method than an Invitation for Bid (IFB). SPD may delegate the authority for an agency to solicit responses using the RFP process. The Purchaser should comply with the Procurement and Contract Management Guide and use the RFP Template to develop the RFP. The purchaser should refer to the SPD Contract Management Office at: <https://comptroller.texas.gov/purchasing/contracts/pod/> for assistance with the development

and review of large contracts.

5) Purchases of Services \$50,000 to \$100,000 (Delegated PCC –S)

Purchases for goods or services from \$25,000 to \$50,000, formal (written) competitive bids are required. 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, Deputy Executive Director or Executive Director.

6) Purchases over \$100,000 (Non-Delegated PCC- S)

Purchases over \$100,000 are handled under Open Market Procedures through SPD. SPD 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 SPD to use the RFP process unless the purchase is exempt from SPD authority. For a list of legal cites referencing exempt purchases (Document Type 9), refer to the Procurement Manual at:

ADDITIONAL APPROVALS

In accordance with SB 20, the following additional approvals are required:

1. The Procurement Manager shall:
 - a. Approve each contract awarded through the competitive sealed proposal process, using the best value standard;
 - b. Ensures best value standards are properly documented; and
 - c. Acknowledge in writing TREC has complied with the agency's and Comptroller's Contract Management Guide.
2. Information contained in the Comptroller's Vendor Performance Tracking System shall be used as a best value evaluation criteria;
3. For contracts over \$1M, the Commission chair must sign.
4. For Contracts exceeding \$5 million dollars, the Procurement Manager shall:
 - a. Verify the solicitation, purchasing method and contractor selection comply with state law and agency policy; and
 - b. Submit to the Commission information on any potential issue that may arise in the procurement process.

BEST VALUE STANDARDS

1. In determining the best value, the purchase price and whether the goods or services meet specifications are generally the most important considerations. When best value is a consideration other factors should be considered such as:

- a. Installation costs;
- b. Life cycle costs;
- c. Quality and reliability of goods and services;
- d. Delivery terms;
- e. Past vendor performance;
- f. Vendor's financial resources and ability to perform;
- g. Vendor's experience, capability or responsibility;
- h. Cost of training associated with a purchase;
- i. References;
- j. Information contained in the Comptroller's Vendor Performance Tracking System shall be used as a best value evaluation criteria; and
- k. Other factors relevant to determining the best value in the context of a particular purchases.

2. The best value standard used to determine the award of a contract will be documented on the purchase order or supporting documentation.

3. The purchaser will acknowledge in writing that the procurement is in compliance with the Contract Management Guide.

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 SPD Web Portal system at: <http://www.txsmartbuy.com>. At the top, click on SPD Applications and select VPTS.

LBB CONTRACT REPORTING

Agencies are required to report Professional or Consulting Service contracts \$14,000 and over and Major Information Systems \$100,000 and over to the Legislative Budget Board.

Go to http://www.lbb.state.tx.us/Contract_Reporting.aspx and log into the Agencies Portal.

Contract Reporting Requirements for 2020-21 can be found here:

http://www.lbb.state.tx.us/Documents/Publications/Info_Graphic/6307_InfoGraphic_Contract_Reporting_Requirements_2019.pdf

INTERNAL AUTOMATED PURCHASING PROCEDURES

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

1. The Purchaser should search statewide contracts at: <https://comptroller.texas.gov/purchasing/contracts/search.php>. For help, contact by email: spd.outreach@cpa.texas.gov
2. Log onto the Texas Smart Buy (TSB) system. 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.
3. An internal Purchase Order number is issued from the P.O. Log for the purchase being submitted through TSB and referenced when placing an order through the TX Smart Buy system. The Smart Buy system issues a separate Purchase Order number.
4. 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 SOFTWARE

Assigning Purchase Order Number:

1. Open the Purchasing folder on the SSS common drive of the computer (ss_common(I)).
2. Open the PO LOGS folder then select the appropriate FY ("PO LOG FY xx").
3. Using the tabs on the bottom of the Excel worksheet, locate the category for the item being procured. Assign the next purchase order number and complete the information in each column for the purchase.
4. Go back to the Purchasing folder on the SSS common drive and open the folder titled "Purchase Orders FY20".
5. Create a new folder with the assigned PO number and brief description (ex 20-1029 TIBH Central Store). Move the Purchase Requisition from the Purchase Requisitions folder into the PO number folder. All purchasing documentation for the PO should be stored in this folder.

Creating the Purchase Order:

1. Open the folder FY20 EXCEL POS file. Insert a new worksheet and copy one of the typed p.o. as a template to create a new purchase order. (Selecting a file with the same vendor that has been used can shorten some steps).
2. Upon typing and completing a new purchase order, print one copy and send to the vendor via e-mail.
3. Save the signed p.o. and quote if applicable to a .pdf format and store in the PURCHASE ORDERS FY19 sub-folder in the corresponding folder for that PO number.
4. Keep one hard copy of the signed purchase order in the purchasing file until the item(s) are received or the service(s) are completed.
5. Upon delivery and acceptance of the purchase, delivery documentation is scanned to the PO folder, attached with the hard copy PO and supporting documents and given to Accounts Payable. Accounts Payables holds until the Invoice is received and then processes the payment according to the Prompt Payment Act.



Texas Real Estate Commission

Contract Management Procedures

The Texas Real Estate Commission's (TREC) has established contract management procedures that are in compliance with the State of Texas Contract Management Guide (CMG), the State of Texas Procurement Manual and the Department of Information Resources (DIR) rules with the intent to follow and use the best practices contained therein. These contract management procedures contain the requirements of Texas Senate Bill 20, 84th Legislature (2015-2016).

Conflict of Interest and Ethics

- 1) By statute any person involved in the development or approval of a contract that has an actual or potential conflict of interest must disclose it and must be removed from involvement in the contract process.
- 2) All purchasing staff and other staff involved in contract approval must sign a conflict of interest statement certification.
- 3) Each signatory in the workflow approval of a contract, by approving the contract, certifies that he or she:
 - a. Has no interest in, or connection with, the contract;
 - b. Has not accepted or received, and will not accept or receive, from a person or entity to whom the contract has been awarded, directly or indirectly, anything of value or a promise, obligation, or contract for future reward or compensation; and
 - c. Has disclosed any possible conflicts of interest to the Executive Director.
- 4) TREC staff that has knowledge of any conflict of interest by any staff involved in the procurement process that has previously not been disclosed must report it to the General Counsel and the Executive Director.
- 5) A state agency may not enter into a contract for the purchase of goods or services with a private vendor with whom any of the following agency employees or officials have a financial interest:
 - a) A member of the agency's governing body;
 - b) The governing official, Executive Director; General Counsel, Chief Procurement Officer, or Procurement Director of the agency; or
 - c) Family member related to an employee or official within the second degree by affinity or consanguinity.

- d) A state agency employee or official has a financial interest in a vendor if the employee or official:
- 1) owns or controls, directly or indirectly, an ownership interest of at least one percent in the vendor, including the right to share in profits, proceeds, or capital gains; or awarding a contract to the vendor could result in a financial benefit to the employee or official.
 - 2) A financial interest prohibited by this section does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than one percent in a corporation.

Steps in the Contract Process:

- 1) **Identify Need:** The Purchaser will serve as the contract manager and consult with the requesting users to identify a clear understanding of the need. This may involve requesting additional details from the end users, asking for clarification, calling vendors or service providers (vendor), consulting with CPA Statewide Procurement Division (SPD) or Department of Information Resources (DIR), performing research or finding other state approved sources. Obtain a quote or verify a quote received from requesting department;
- 2) **Submission of Purchase Requisition:** The requesting department must submit an approved Purchase Requisition in accordance to the memorandum from Douglas E. Oldmixon, "Delegation of Authority to Approve Purchases".
- 3) **Plan the Procurement:** Planning the procurement is the first and very important step in Contract Management. The more planning, the less risk and better the solicitation will be to result in a solid contract that can be monitored and managed efficiently. The requesting department will consult with purchasing and legal as necessary, identifying needs and planning accordingly. The senior team members, General Counsel and Executive Director will be involved as deemed appropriate in the initial planning stages of a contract. This will avoid issues later in the process.
- 4) **Perform risk assessment.** Once the required services are decided, the Purchaser consults with the requesting department and team members to determine the risk level for the agency and how to minimize risks through contract requirements. Based on the risk level, develop a detailed statement of work with written performance measures that minimizes risk. Contracts requiring enhanced monitoring will be identified during the risk assessment. Risk factors to be considered include, but are not limited to:
 - a) Type of purchase (competitive/non-competitive)
 - b) Payment type/structure
 - c) Dollar amount of the contract
 - d) Scope of goods/services being procured
 - e) Vendor Background and Experience
- 5) **Identify Procurement Method:** Determine proper procurement method in compliance with the State of Texas Procurement Manual. Prepare competitive solicitation process when required following procedures set forth in the CPA Contract Management Guide and DIR's Statement of Work procedures.

A Statement of Work (SOW) is used in solicitations to minimize risk by describing in detail what parties are required to do. Including clearly defined performance measure and deliverables in the contract will minimize risk to the agency. The requesting department will assist in developing detailed statement of work, deliverables and performance measures.

6) Evaluation:

The Purchaser receives the responses and distributes them to the evaluation team members with an evaluation scoring matrix and a non-disclosure form. The Purchaser ensures that all Evaluation Team Members understand their responsibilities (refer to CMG).

The Evaluation Team meets to review responses. The team may decide to invite vendors to conduct a presentation and discuss their responses in further detail.

Negotiate with the vendors to find the best value based on best value standards;

Best and Final Offers may be requested from responsive vendors.

An agreement is reached with the other party on the terms of the contract. Certain standard legal terms are non-negotiable;

Purchasing tabulates total scores from the evaluation score sheets completed by each of the Evaluation Team Members.

In some situations, a second evaluation scoring matrix may be required. Purchasing prepares a Final Scoring Tabulation and recommends selection of the best vendor in accordance with state purchasing rules.

Best Value Standards

In determining the best value, the purchase price and whether the goods or services meet specifications are generally the most important considerations. When best value is a consideration other factors should be considered such as:

- a. Installation costs;
- b. Life cycle costs;
- c. Quality and reliability of goods and services;
- d. Delivery terms;
- e. Past vendor performance;
- f. Vendor's financial resources and ability to perform;
- g. Vendor's experience, capability or responsibility;
- h. Cost of training associated with a purchase; and
- i. Other factors relevant to determining the best value in the context of a particular purchase.

The best value standard used to determine the award of a contract will be documented on the purchase order or supporting documentation.

The purchaser will acknowledge in writing that the procurement is in compliance with the Contract Management Guide.

7) Award:

Select the best vendor in accordance with state purchasing rules.

Present recommendation of award to Commission if approval is required.

Notify vendor of award. Issue purchase order and/or contract to the awarded vendor.

8) Issuing a Contract:

For larger, complex purchases, in addition to a purchase order, it may be appropriate that a contract be written and signed by both parties. The contract is generally drafted by the General Counsel and reviewed by the Purchaser, the Executive Director and other appropriate team members as required for the procurement.

For contracts over \$14,000, a contract routing sheet is completed by the Purchaser and requires approval signatures from the Purchaser, Division Director, Chief Financial Officer, Information Resource Manager, General Counsel, Executive Director and other as required. This ensures all parties have reviewed and approved the contract. Attach all documents related to the purchase request including proposals, quotes, evaluation tabulation sheet, contract documents or agreements needing signature.

All contracts other than a purchase order are reviewed by the General Counsel and signed by the Executive Director binding the agency.

Contracts over \$1M must be signed by the Chair of the Texas Real Estate Commission or Texas Appraiser Licensing & Certification Board.

Two original contracts are sent to the vendor for review and signature. One original is retained by the vendor and one is retained by the agency in the Purchasing office. Electronic copies of the signed contracts are stored in the SSS and DD common drives.

9) Contract Management:

Generally, the Purchaser serves as the Contract Manager and is the designated agency staff that has primary responsibilities for the day to day management of contracts, including but not limited to:

- a) Monitoring vendor performance and fiscal, financial and record keeping requirements;
- b) Reporting vendor performance in the Comptroller's Vendor Performance Tracking System;
- c) Taking timely and appropriate action to resolve performance and compliance issues;
- d) Receiving, reviewing and approving deliverables;
- e) Documenting receipt of contract deliverables and communicating acceptance of these deliverables to the appropriate section;
- f) Processing contract modifications, such addendums, Purchase Order Change Notices, etc.
- g) Settling contract disputes;
- h) Recommending renewal or non-renewal of the contract;
- i) Handling contract termination and closeout; and

- j) Providing complete and accurate contract correspondence and documentation, and;
- k) Attending contract management continuing education to maintain certification as a Certified Texas Contract Manager (CTCM).

For specialized contracts, after a contract has been awarded, the requesting department will:

- a) Apply specialized knowledge, skills, and techniques to support program activities;
- b) Administer and manage daily operations of required services established in contract;
- c) Manage and monitor performance as required in the contract. This may require involvement of the Purchaser should a dispute arise;
- d) Ensure vendor meets required performance objectives defined in the contract;
- e) Oversee delivery and receipt of services;
- f) Certify services were performed and deliverables met; and
- g) Approve invoice for payment, if applicable.

10) Vendor Performance:

After a contract has been completed or terminated, information about that vendor's performance shall be entered into the Comptroller's Vendor Performance Tracking System (VPTS); and

As a part of the closeout process for all purchases over \$25,000, vendor performance information both positive and negative shall be entered into the VPTS.

11) Records Retention of Contracts:

The following is the required retention policy for all purchase order and contract related documentation:

For contracts and purchase orders entered into after 9/1/2015, a state agency shall retain in its records each contract and related documents it enters into for a period of seven (7) years after contract expires, terminated, or is completed, after all issues have been resolved. Along with the contract, all solicitation documents shall also be retained.

For contracts and purchase orders entered into prior to 9/1/2015, the records retention period is four (4) years.

Authority:

Texas Government Code, Title 10, Subtitle F, Chapter 2262 – Statewide Contract Management



Protecting Texans' Dreams

TREC Commissioners

R. Scott Kesner
Chair

Bob Leonard
Vice Chair

TJ Turner
Secretary

Jason Hartgraves

Jan Fite Miller

Barbara Russell

Rayito Stephens

DeLora Wilkinson

Micheal Williams

Douglas E. Oldmixon
Executive Director

TO: Director of Staff & Support Services, and Agency Purchasers

FROM: Douglas E. Oldmixon, Executive Director/Commissioner

RE: Delegation of Authority to Approve Purchases

DATE: December 4, 2019

This is to confirm that authority is hereby delegated to the following deputies and division directors to approve purchases up to the indicated amounts. This remains in effect until amended or revoked, provided the position description can be reasonably determined to be equivalent to the position named below. The Director of Staff & Support Services/Chief Financial Officer (CFO), or Accounting Manager in the absence of the CFO, will continue to certify the availability of funds for each requisition.

Deputy Executive Director/Deputy Commissioner = unlimited when acting for the absent Executive Director/Commissioner; otherwise \$5,000

Division Director, or Acting Director if currently unfilled = \$2,500

In addition, the CFO or Accounting Manager has the authority to replenish the following accounts:

Postage = not to exceed \$5,000 per order

Routinely stocked supplies = not to exceed \$2,500 per order

Proprietary and emergency purchases require written approval by the Executive Director/Commissioner, or Deputy Executive Director/Deputy Commissioner in absence of the Executive Director/Commissioner.

cc: Tony Slagle, Chelsea Buchholtz, Kristen Worman, Steve Rapp, Troy Beaulieu, Mark Moore, Jennifer Wheeler, Denise Sample, Robert Hood, Priscilla Piphoo, Melissa Huerta, Sandy Jones, Mary Beth Hanna, Ron Hunter



TALCB Board Members

Sara Oates
Chair

Martha Gayle Reid Lynch
Vice Chair

Chance Bolton
Secretary

Clayton P. Black

James J. Jeffries

Tony F. Peña

Earl "Buster" Renfrow

Stephanie Robinson

Lisa Sprinkle

Douglas E. Oldmixon
Commissioner



Vendor Protest Procedures



**Texas Real Estate Commission
and Texas Appraiser Licensing & Certification Board**
 Name of Division: **Staff & Support Services**
 Name of Section: **Purchasing**

Vendor Protest Procedures	
Introduction	The Texas Real Estate Commission (TREC) and Texas Appraiser Licensing & Certification Board (TALCB) provides a method for vendors to protest purchasing procedures of the Commission.
Policy	<p>22 Texas Administrative Code §534.7</p> <p>(a) To comply with Texas Government Code, §2155.076(a), the Commission adopts by reference the rules of the Texas Facilities Commission regarding purchasing protest procedures as set forth in 1 TAC §111.32 (relating to Protests/Dispute Resolution/Hearing).</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>1 Texas Administrative Code §111.32</p> <p>(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 Commission's Director of Procurement. Such protests must be in writing and received by the Director of Procurement 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 Commission 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.</p> <p>(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 Director of Procurement, makes a written determination that the award of contract without delay is necessary to protect the best interests of the state.</p> <p>(c) A formal protest must be sworn and contain:</p>

(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 Director of Procurement 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 Director of Procurement may solicit written responses to the protest from other interested parties.

(e) If the protest is not resolved by mutual agreement, the Director of Procurement will issue a written determination on the protest.

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

(2) If the Director of Procurement 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 of Procurement 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 and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

(f) The Director of Procurement's determination on a protest may be appealed by the protesting party to the Executive Director of the Commission. An appeal of the Director of Procurement'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 of Procurement's determination. The appeal shall be limited to review of the Director of Procurement's determination. Copies of the appeal must be mailed or delivered by the protesting party to the Commission and other interested parties and must contain a certified statement that such copies have been provided.

(g) The Executive Director may confer with the Commission's 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.

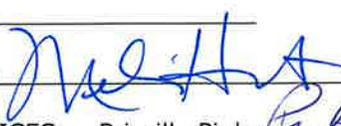
	<p>(2) All interested parties who wish to make an oral presentation at the open meeting are requested to notify the Commission's General Counsel at least 48 hours in advance of the open meeting.</p> <p>(3) The Commissioners may consider oral presentations and written documents presented by staff and interested parties. The Commission Chair shall set the order and amount of time allowed for presentations.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>
Authority	Texas Government Code §2155.076
Approved	<p>DATE: <u>December 4, 2019</u></p> <p>DIRECTOR OF STAFF & SUPPORT SERVICES: <u>Priscilla Pipho</u> <i>Priscilla Pipho</i></p> <p>PROGRAM MANAGER: <u>Sandy Jones</u> <i>Sandy Jones</i></p> <p>EXECUTIVE DIRECTOR: <u>Douglas E. Oldmixon</u></p>



Credit Cards



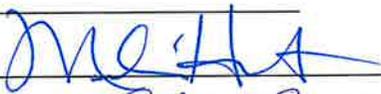
Procedures for utilizing credit cards if participating in the U. S. Bank Voyager Retail Fuel Card Program and/or the Citi Bank Procurement and Travel Charge Card Programs.

Texas Real Estate Commission Name of Division: Staff & Support Services Name of Section: Purchasing	
Procurement and Travel Card (Credit Card) Policy 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 Executive Director, Deputy Executive Director, Director of Staff & Support Services/Chief Financial Officer (CFO), Accounting Manager 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 & Support Services division.
Authority	Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter E, 5.57
Approved	DATE: <u>11/20/19</u> PROGRAM MANAGER: <u>Melissa Huerta</u>  DIRECTOR OF STAFF & SUPPORT SERVICES: <u>Priscilla Pipho</u>  EXECUTIVE DIRECTOR: <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	
Procurement and Travel Card (Credit Card) Policy 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 Executive Director (out of State travel only). The travel card is to be secured in the safe located in the Staff & Support Services division.
Authority	Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter E, 5.57
Approved	DATE: <u>11/20/19</u> PROGRAM MANAGER: <u>Melissa Huerta</u>  PROCUREMENT DIRECTOR: <u>Priscilla Pipho</u>  EXECUTIVE DIRECTOR: <u>Douglas E. Oldmixon</u>



Training and Certification

Training and certification status of agency procurement professionals.

Print Name Mary Beth Hanna

Certification Type: Certified Texas Contract Developer (CTCD)
Issue Date: August 1, 2019
Expiration Date: August 1, 2022
Certificate Number: 1900022589

Print Name Sandra Jones

Certification Type: Certified Texas Contract Developer (CTCD)
Issue Date: May 28, 2002
Expiration Date: June 1, 2021
Certification Number: B1331

Print Name Sandra Jones

Certification Type: Certified Texas Contract Manager (CTCM)
Issue Date: September 1, 2015
Expiration Date: June 1, 2021
Certification Number: CTCM0731159

Print Name Ron Hunter

Certification Type: Certified Texas Procurement Manager (CTPM)
Issue Date: November 18, 2003
Expiration Date: November 1, 2022
Certification Number: C3151

Print Name Ron Hunter

Certification Type: Certified Texas Contract Manager (CTCM)
Issue Date: May 1, 2017
Expiration Date: May 1, 2022
Certification Number: CTCM04181701



VENDOR COMMUNICATION POLICY

Communication between public procurement professionals and vendors is imperative and encouraged. If used effectively, communication with industry representatives is a vital resource for public procurement professionals. Steps must be taken, however, to maintain a fair opportunity to compete for all vendors and avoid any appearance of favoritism. Agency personnel must be mindful that one-on-one communications with vendors occurring prior to contract award are subject to enhanced scrutiny due to the importance of maintaining a “level playing field” among all eligible vendors during competitive procurements. If there is any doubt about appropriate communications with vendors, consult with Agency general counsel.

Fact Gathering. Texas law authorizes the exchange of information between an Agency and a vendor related to future solicitations. Vendors are often experts in their respective fields and can offer insight on potential purchases, such as current trends, industry practices, and available products or solutions. The procurement team should develop a plan to obtain any needed vendor input, which may include issuance of a Request for Information (RFI), attendance at industry days, or directly contacting industry leaders or vendors listed under the applicable code on the CMBL. The result of these interactions may lead to increased competition, a more detailed and up-to-date description of technical requirements or statement of work, and ultimately better value for the State. However, Contract Developers must never tailor specifications to benefit a particular vendor, as this limits competition. Care should be taken to avoid the appearance of favoritism toward certain vendors in the fact-gathering process and when possible, Agency staff should avoid consulting exclusively with the incumbents or a small number of vendors, which could give the appearance of favoritism.

Drafting the Solicitation. When all fact gathering is completed and the actual solicitation-drafting process has begun, vendor communication must cease to ensure the integrity of the procurement. Contract Developers may use relevant information gathered from the vendor community when drafting specifications. Finally, if a vendor is compensated by the Agency for its assistance in drafting specifications or scope of work for a solicitation, the vendor will not be eligible to bid on the resulting contract.

During the Solicitation. Once the solicitation is posted, communications between Agency procurement professionals and vendors should follow the procedure outlined in the solicitation. This could include designating specific Agency points of contact for receipt of vendor inquiries, a public question and answer process (Q&A process), and pre-bid/offer/proposal conferences. When issuing a solicitation, it is always encouraged that the Agency include a Q&A process, as that will be the only time where the Agency can benefit from potential vendors’ input on the solicitation and through the addendum process make any necessary corrections to the solicitation. Failure to allow

for vendor input during a Q&A process may result in higher costs to the Agency if the specifications are unclear.

If any information relevant to the procurement such as evaluation methods or projected ordering volumes is provided to any vendor, that information should be released to the public without delay. This includes information shared at conferences attended by some but not all potential vendors.

If the Agency offers assistance with HUB plans, such assistance should be made available from a designated procurement professional, and it should be offered and provided to all vendors equally. The Agency may allow assistance with HUB plans during the entire posting period. To ensure a level playing field, any contact between vendors and end users or evaluators should be avoided during the advertisement period, and if a vendor fails to obey by the guidelines regarding vendor communication posted in the Agency solicitation, the vendor's proposal may be subject to disqualification.

Evaluation and Negotiation. Allowable vendor-procurement professional interactions between the response due date and contract award include:

- clarification of a respondent's ability to meet the solicitation requirements;
- negotiations, as appropriate based on the procurement method, including request for best and final offer; and
- the exchange of information as necessary to facilitate a potential award.

Evaluation and vendor selection should be based on response documents formally submitted by each vendor, not other communications. If one vendor is provided an opportunity to clarify its response, similarly situated vendors should receive the same opportunity.

CONFLICT OF INTEREST

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 any employee receive any promise, obligation, or contract for future reward or compensation from any such party.¹

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

Sandy Jones

11-19-2019

Employee Signature

Date

Sandy Jones, CTCD, CTCM

Printed Name

cc: Personnel File
Supervisor's File

Legal Authority:

¹ Texas Government Code Title 10, Subtitle D, Chapter 2155.003

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

Mary Beth Hanna

Employee Signature

11/19/2019

Date

Mary Beth Hanna

Printed Name

cc: Personnel File
Supervisor's File

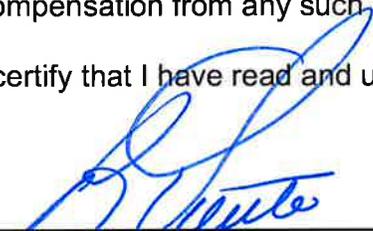
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I certify that I have read and understand the above statement.



Employee Signature

11-19-2019

Date



Printed Name

cc: Personnel File
Supervisor's File

Legal Authority:

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

Priscilla Pipho

Employee Signature

11/19/19

Date

Priscilla Pipho

Printed Name

cc: Personnel File
Supervisor's File

Legal Authority:

¹ Texas Government Code Title 10, Subtitle D, Chapter 2155.003

CONFLICT OF INTEREST

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



Employee Signature

11.19.19

Date

STEVE RAPP

Printed Name

cc: Personnel File
Supervisor's File

Legal Authority:

¹ Texas Government Code Title 10, Subtitle D, Chapter 2155.003