

PURCHASING AUTHORITY ROLES AND RESPONSIBILITIES PROCEDURE

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Purpose

Establish clear levels of purchasing accountability and staff responsibilities as required by statute.

Responsibilities

Procurement and Contract Services Department (PCS)- Business Operations Division

PCS supports Business Areas throughout the Procurement Cycle as follows:

- defines and implements rules, policies, and procedures that relate to contracting and purchasing;
- reviews and oversees the procurement and contract process;
- monitors the contract review and approval process;
- provides technical support on procurement options for TWC contracting;
- reviews and comments on TWC rules that include any part of the procurement cycle;
- provides training to PCS and TWC staff on TWC procurement;
- designates a certified Contract Developer to manage the procurement process through contract execution;
- identifies the appropriate procurement method under state and federal laws and regulations;
- bases awards on best-value principles;
- processes contract amendments and change requests;
- partners with Business Areas to assess and report vendor performance;
- manages required contract reporting;
- updates and maintains templates ;
- maintains procurement and contract records in Enterprise Contract and Procurement System (ECPS); and
- provides the required contract and purchasing notifications.

PCS Purchasers are professionally certified in accordance with state law and the Comptroller of Public Accounts. To purchase on behalf of TWC, a TWC employee must complete the Basic Texas Purchaser Course if:

- the employee has the job title of “Purchaser”;
- performs purchasing activities as fifteen percent (15%) or more of their job activities; or
- makes a purchase of more than \$10,000.

Purchasing refers to:

- the receipt and processing of requisitions;
- development of specifications;
- development of statement of work;
- the issuance of purchase orders against existing statewide, cooperative, or agency contracts; and
- the verification of the inspection of merchandise; or
- receipt of services by the agency.

The term excludes the development of some solicitations and contract awards. These are solicitations and awards posted to the Electronic State Business Daily (ESBD). To locate the ESBD, please visit the Texas SmartBuy website.

Purchaser responsibilities include:

- Receiving and processing requisitions;
- Consulting with TWC Business Areas to develop specifications, statements of work, and deliverables;
- Identifying potential vendors;

- Facilitating the procurement evaluation process;
- Serving as the point of contact for communications between TWC and the vendor prior to contract award or PO/contract issuance;
- Issuing purchase orders against existing statewide, cooperative or agency contracts;
- Issuing a purchase order to an awarded vendor;
- Disseminating notices to vendors not selected;
- Verifying the receipt and inspection of merchandise; or
- Verifying the receipt of services by TWC; and
- Managing and documenting any changes to the purchase order/contract.

PCS Contract Developers are professionally certified in accordance with state law and the Comptroller of Public Accounts as a Certified Texas Contract Developer (CTCD). The CTCD may engage in contract development functions on behalf of TWC if the employee develops, evaluates, negotiates, or awards a contract posted to Texas SmartBuy on behalf of TWC.

Contract development applies to actions taken before contract execution, including:

- the receipt and processing of requisitions;
- assessment of need;
- assessment of potential risks;
- development and review of specifications;
- development and review of scopes of work;
- identification and selection of procurement methods;
- identification and preparation of evaluation criteria;
- preparation and advertising of solicitation documents;
- tabulation of respondent bids;
- evaluation of respondent proposals;
- negotiation of proposals; and
- the preparation and completion of contract award documents.

The term does not include invoice or audit functions.

TWC Contract Developer duties include:

- Assessing need for a good or service;
- Assessing potential risks;
- Consulting with TWC Business Areas (and PCS Purchasers, as appropriate) to develop specifications, statements of work, and deliverables;
- Selecting the procurement method;
- Tabulating and evaluating proposals;
- Negotiating terms and conditions; and
- Preparing and completing contract award documents; and
- Obtaining authorized signatures on contract documents.

Only persons having actual authority to act on behalf of TWC can bind TWC in a contract. The powers of all state officers are set by law. Anyone dealing with state officers must know the limits of their authority and determine if the contemplated contract is within their statutory authority.

- TWC has established specific delegations of signature authority based on threshold amounts. Only those authorized to sign on behalf of TWC may do so under this delegation. The TWC Executive Director, by delegation, signs all contracts and awards exceeding \$1 million. The Commission may also give authority to the Deputy Executive Director to sign contracts and awards of more than \$1 million.
- By delegation, Division Directors may sign Contracts up to \$1 million. These contracts exclude Child Care grants to local Workforce Boards as sole grantees.
- By delegation, Division Directors may delegate signature authority up to \$500,000. These contracts exclude Child Care grants to local Workforce Boards as sole grantees.

- The Directors of Workforce Development and Child Care have official authority over other grants. These include Child Care grants to local Workforce Boards as sole grantees.

Contract Managers engage in actions after the execution of a contract. A TWC employee must be a Certified Texas Contract Manager (CTCM) to engage in contract management functions on behalf of the TWC if:

- the employee has the job title of “contract manager”; or
- “contract administration manager”; or
- “contract technician”; or
- performs contract management activities as fifty percent (50%) or more of their job activities; or
- manages any contract of more than \$5 million.

Contract management applies to actions taken following contract execution, including:

- the assessment of risk;
- verification of contractor performance;
- monitoring of compliance with deliverable and reporting requirements;
- enforcement of contract terms;
- monitoring and reporting of vendor performance;
- ensuring that contract performance and practices are consistent with applicable rules, laws; and
- ensuring consistency with the State of Texas Procurement and Contract Management Guide.

A TWC Contract Manager:

- manages all aspects of the contract;
- requests amendments or renewals;
- verifies that payment is timely and appropriate;
- performs contract monitoring;
- performs risk assessments of the contract throughout the contract life;
- completes contract/vendor performance evaluations and submits them to PCSD;
- immediately notifies PCSD and OGC of performance issues;
- monitors corrective action plans;
- attends procurement-related training as necessary; and
- provides information to the Contract Developer or Purchaser;
- provides information to PCS and Contract Oversight and Support (COS);
- provides information to others, as necessary.

Contract Oversight and Support (COS) for Vocational Rehabilitation (VR) Contracts

COS participates in the procurement cycle for VR contracts.

- coordinates preparation of VR contract risk assessment for statewide on-site monitoring;
- conducts monitoring of VR contractor performance in coordination with CAU-VR’s contract monitoring;
- maintains financial information and records required for VR contracts;
- oversees VR contractor remedial action review; and
- maintains VR-COS contract monitoring review and remedial action review files.

TWC Business Area

The **TWC Business Area** starts the procurement process. The process begins when the unit identifies a need for goods and services.

The TWC Business Unit:

- conducts a needs assessment and cost estimate TWC Form 1300
- submits it to the [PCS Customer Service Portal](#);
- completes the necessary procurement forms (such as a purchase requisition);
- obtains the required management approvals for proceeding with the procurement;

- verifies and signs off on the availability of funds for the procurement;
- develops the statement of work and collaborates with necessary staff for the procurement;
- developing evaluation criteria;
- identifying deliverables;
- provides input for development of the Acquisition Plan;
- provides input on the solicitation and associated documents;
- designates a TWC Business Area representative to serve as point of contact for TWC Business Area questions during the procurement; and
- designates a qualified TWC Business Area staff member to serve as a Contract Manager if the TWC Business Area will manage an awarded contract.

Finance

Finance supports TWC Business Areas and staff throughout the Procurement Cycle.

- provides support regarding fiscal accountability and payment requirements;
- identifies funding sources and funding availability;
- processes invoice payments;
- establishes contractors in the TWC financial system;
- provides expenditure reporting to oversight agencies; and
- assists in contract closeouts.

Office of General Counsel (OGC)

OGC provides legal support to TWC Business Areas and staff.

OGC:

- provides legal assistance on procurement laws and regulations including any protests;
- assists in the development of solicitation, contract and amendment documents;
- reviews other documents, if determined to be high risk;
- drafts general and specific Terms and Conditions for contracts;
- provides legal support for contract negotiations;
- provides legal assistance for vendor performance concerns, including initiating remedies and defending disputes;
- assists in the development, review, and approval of subsequent contract documents such as amendments, work orders and task orders; and
- manages the Vocational Rehabilitation (VR) appeals and request for reconsideration process.