



May 23, 2017

The Honorable Jane Nelson
Texas Senate
P.O. Box 12068 - Capitol Station
Austin, TX 78711

The Honorable Charlie Geren
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768

Re: Support for SB 533, Caution Against Overly Burdensome Language

Dear Senator Nelson and Representative Geren:

Collectively the undersigned associations represent a broad array of companies of all sizes across industries that work to provide goods and services to government customers and promote a competitive business environment in the State of Texas. We appreciate your leadership to bring greater accountability and transparency in the procurement process along with your authorship of Senate Bill 533 to clarify and strengthen provisions of SB 20, which passed in the 84th Legislature.

We applaud the Legislature's continual efforts to address state contracting challenges through SB 533, including requiring the Comptroller to update policies for agency/vendor communications and increased agency flexibility to purchase under a master contract, as we believe these fixes will further the Legislature's objectives in procurement reform. That said, we are concerned that the adopted amendments in the House will have a negative impact on the procurement process if incorporated into the final bill text. We offer you the following suggestions for the consideration in the conference process:

Floor Amendment 4 (Capriglione): We urge you to not accept this amendment. Collectively, vendors are concerned about the overly broad approach taken in the language. We strongly believe that the authority for contract management oversight should rest in the executive branch and diminishing this authority in favor of greater authority to the Legislative Budget Board, which is not subject to the public rulemaking process, puts the State at risk of eroding transparency and public accountability.

Floor Amendment 5 (Capriglione): We strongly recommend this amendment be modified. Section 316.025, Contracts to Conform with Limitations of General Appropriations Act, should be deleted as it would supplant other statutory limitations and is unnecessary due to existing authority granted to the Legislature to non-fund contractual obligations. Further, we suggest either deleting Section 2262, Contract Outside Tactical Team, in its entirety or modifying the language to make it permissive for agencies to have discretion to utilize a contract outside tactical team within their appropriated funds. We are also including a marked up version of this floor amendment with additional concerns and proposed alternatives.

In closing, we are supportive of proposed legislative fixes to the state contracting process offered in Senate Bill 533, but caution against adopting the overly burdensome language found in the aforementioned amendments. We appreciate your attention to this important matter, and thank you for consideration of our requests.

Sincerely,

Sarah Matz
Director, State Government Affairs
Computing Technology Industry Association

Caroline Joiner
Executive Director, Texas and Southeast
TechNet

Jordan Kroll
Senior Manager
State, Local, and Education Technology
Information Technology Alliance for the Public
Sector

Amanda Montagne Martin
Governmental Affairs Manager
Texas Association of Business

Mary Scott Nabers
President, Chief Executive Officer
Strategic Partnerships, Inc.

Nora Belcher
Executive Director
Texas e-Health Alliance

Deborah Giles
Executive Director
Texas Technology Consortium

CC: The Honorable Juan "Chuy" Hinojosa
The Honorable Joan Huffman
The Honorable Robert Nichols
The Honorable Charles Schwertner
The Honorable Giovanni Capriglione
The Honorable Four Price
The Honorable Oscar Longoria
The Honorable Donna Howard