

RESPONSIBILITY OF THE COMPTROLLER OF PUBLIC ACCOUNTS

The Comptroller of Public Accounts (CPA) is responsible for acquiring by purchase, lease, rental, or another manner, all goods and services for the School, including a purchase that does not require a competitive bid or spot purchase.

Texas Gov't Code 2155.061, 2155.0011

GENERAL PURCHASING AUTHORITY

The CPA may delegate purchasing authority to the School.

Texas Gov't Code 2155.131

PURCHASING GOODS AND SERVICES

TSD, as an agency of the State of Texas, is required to follow all purchasing rules and regulations of the Statewide Procurement Division (SPD) for the purchase of all supplies, materials, services, and equipment issued by the CPA

PROCEDURES REQUIRED

The Superintendent shall ensure that the School develops procedures to implement the rules prescribed by the CPA for both non-delegated and delegated purchases. *Texas Gov't Code Chapters 2155, 2156, 2157, 2158*

When acting under authority delegated from the SPD, TSD employees must comply with the following ethical standards of conduct:

A TSD employee may not:

1. participate in work on a TSD contract knowing that the employee, or member of their immediate family has an actual or potential financial interest in the contract, including prospective employment;
2. solicit or accept anything of value from an actual or potential vendor;
3. be employed by, or agree to work for, a vendor or potential vendor;
4. knowingly disclose confidential information for personal gain.

For purposes of 1 through 4, above:

1. "Participated" means to have taken action as an employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.
2. "Particular matter" means a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, or other proceeding.

A vendor or potential vendor may not offer, give, or agree to give an employee anything of value.

When an actual or potential violation of numbers 1 through 4, above, is discovered, the person involved shall promptly file a written statement concerning the matter with the Chief Financial Officer. The person may also request written instructions and disposition of the matter.

If an actual violation of numbers 1 through 4, above, of this section occurs or is

not disclosed and remedied, the employee involved may be either reprimanded, suspended, or dismissed. The vendor or potential vendor may have a pending bid or proposal rejected, be barred from receiving future contracts and/or have an existing contract canceled.

1 TAC 111.4

ADMINISTRATOR RESPONSIBILITY

The Superintendent is responsible for ensuring that all School administrators comply with the rules of the CPA, SPD, and the School in the purchase of all goods and services.

School administrators with budgets are responsible to ensure that all purchases incurred by their department(s) are made in accordance with the Comptroller's procurement guidelines-SPD, governing state statutes, codes and TSD procedures. This includes the use of state issued procurement cards. (Texas Administrative Code, Title 34 §5.67).

AUTOMATED INFORMATION SYSTEMS

The School shall purchase automated information systems through the catalog procedure provided by Chapter 2157 of the Texas Government Code unless the School determines that the best value may be obtained through another authorized purchase method.

Gov't Code Section 2157.061

PURCHASES OF GOODS AND SERVICES WITH FEDERAL GRANTS

The following provisions apply to purchases of goods and services with a value of \$10,000.01 or more from a sole source when using funds from federal grants. Non-competitive procurements from a sole source or only known source may be purchased with federal grant funds only when one or more of the following circumstances apply:

1. The item is available only from a single source.
2. A public exigency or emergency for the required purchase will not permit a delay resulting from competitive solicitation.
3. The U.S. Dept. of Education or the Texas Education Agency expressly authorizes noncompetitive proposals in response to a written request from the School.
4. After solicitation of a number of sources, competition is determined inadequate.

2 CFR 200.320(a)