



Purchasing Policies and Procedures

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Chapter 1 – Procurement and Contract Services

Section 1.1 - Introduction and Responsibilities

Policy

Under the authority of the Texas Water Development Board (TWDB), the Procurement & Contract Services (PCS) Division is charged with defining and implementing policies and procedures that relate to contracting and purchasing matters.

Purpose

The purpose of this document is to describe the policies, procedures and processes used by the PCS Division to assist in the management of the TWDB contracting projects. This document also outlines contracting roles, responsibilities, and guiding principles.

Procedure

The PCS Division is a component of Finance. Major responsibilities and objectives include:

- 1) Providing physical custody and security over all TWDB contractual documents.
- 2) Ensuring consistent and compliant coordination, tracking and administration of all contracts and purchasing activities.
- 3) Providing guidance and training to TWDB contract and program managers.
- 4) Providing oversight for contractual compliance with TWDB financial assistance programs.
- 5) The PCS Division exists for the purpose of assisting and serving TWDB and its contractors, customers, and stakeholders with procurement-related business.
- 6) The Division mission is to provide exceptional assistance to agency customers and TWDB staff. Our first-rate customer service will foster effective and compliant contract management that will secure quality and timely deliverables for the agency.

The policies and procedures set forth in this manual are based on statute, regulation, policy, and common business practices. As appropriate, TWDB staff is expected to adhere to these procedures in the day-to-day administration and management of agency contracts. Contract Managers should reference the Texas Comptroller's Procurement and Contract Management Guide to ensure alignment with statewide procurement standards and best practices. Additionally, the [TWDB Records Retention Policy](#) as well as the [TWDB Employee Handbook](#) must be adhered to at all times. This document does not replace, amend, or supersede the Records Retention Policy or the TWDB Employee Handbook.

Section 1.2 – State of Texas Purchasing Overview and Authorities

Policy

The statutory purchasing authority is delegated to the TWDB Purchasing Team by the Texas Comptroller of Public Accounts (CPA), Statewide Procurement Division (SPD) under Texas Government Code (TGC), Title 10, Chapters [2155](#), [2156](#), [2157](#), [2158](#), [2161](#), and the [Texas Administrative Code \(TAC\), Title 34, Part 1, Chapter 20](#).

Policy

To ensure that purchasing services are properly rendered in accordance with the laws of the State of Texas; and to ensure that the TWDB and the State receive full value for all purchasing expenditures.

Procedure

The Texas Water Development Board conducts procurement in accordance with state laws and regulations governing purchasing and contracting. TWDB's authority is outlined in the [Texas Government Code \(TGC\), Title 10, Chapter 2155](#), and [Texas Administrative Code \(TAC\), Title 34, Part 1, Chapter 20](#), which establish guidelines for procurement processes, vendor selection, and contract management for state agencies.

These responsibilities include without limitation, statewide procurement services, the Historically Underutilized Business (HUB) program, for the Texas Comptroller of Public Accounts (CPA) and oversight of mail operations, printing and vehicle fleet management as provided in that legislation. Texas Administrative Code Rule §20.82 (Delegated Purchases) authorizes the CPA to delegate purchasing authority to state agencies, subject to the conditions and thresholds defined by the Statewide Procurement Division (SPD).

All procurement conducted by the TWDB (whether using State or Federal funds), follows the purchasing principles established and delegated by the CPA.

The Texas Water Development Board shall comply with any requests for information from the Chief Procurement Officer (CPO) of the CPA as required under [Texas Government Code, Title 10, Section §2155.091](#).

General delegation

The following purchasing functions are delegated to the TWDB:

- a) commodity purchases of goods, including goods for resale that do not exceed \$50,000
- b) emergency purchases
- c) purchases of perishable items
- d) purchases of services, including services for resale, the estimated cost of which does not exceed \$100,000
- e) purchases of publications directly from the publisher
- f) fuel, oil, and grease purchases
- g) distributor purchases

Adherence to ethical standards

Employees of the TWDB who perform purchasing functions under delegated authority shall adhere to the same ethical standards required of CPA employees and shall avoid all conflict of interest in their purchasing activities.

Provisions generally applicable to delegated purchases

- 1) Competitive bidding is not required for purchases of \$10,000 or less.
- 2) All bids must be obtained from sources which normally offer for sale the merchandise being purchased.
- 3) Items purchased under delegated authority may not include scheduled items, items available under a term contract (unless purchased in quantities less than minimum ordering quantities shown in contract), or any item required by law to be purchased from a particular source.
- 4) CPA must solicit formal bids from all eligible vendors on the [Centralized Master Bidders List \(CMBL\)](#) and post the solicitation on the [Electronic State Business Daily \(ESBD\)](#) when making purchases in excess of \$25,000. CPA waives the requirement for the TWDB to solicit bids from all eligible vendors on the list when making purchases under subsection (e) of this section. The TWDB must solicit from all eligible vendors on the CMBL when making service purchases exceeding \$100,000 under delegated authority from SPD.

Withdrawal of delegated purchase authority

SPD will verify compliance with established procedures for delegated purchases and may withdraw delegated purchase authority as a whole or part from an agency for continued violations after giving adequate warning. SPD will report to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Legislative Budget Board the findings that the TWDB has not followed the SPD's rules or the laws related to the delegated purchases.

Provisions applicable to particular delegated purchases

- 1) Commodity purchases. Commodity purchases may be made in accordance with the following provisions:
 - a) TWDB must attempt to obtain at least three informal bids, including a minimum of two bids from HUBS, on all commodity purchases in excess of \$10,000 and not over \$25,000. TWDB must meet competitive bidding requirements and may supplement the list of bidders obtained from the CMBL with potential bidders contained in the HUBs Directory, which is maintained and accessible electronically on CPA's website. If an agency is unable to locate two HUBs from the CMBL and HUB Directory or other available sources, TWDB must make a written notation in the purchase file of all reference sources used.
 - b) TWDB must attempt to provide a copy of the bid to the last vendor who held the contract in addition to the informal bid requirement.

- 2) Emergency purchases. SPD has delegated to the TWDB authority for emergency purchases in accordance with the following provisions:
 - a) At least three informal bids should be obtained whenever possible.
 - b) For an emergency purchase of goods or service exceeding \$25,000, TWDB must send a full written explanation of the emergency along with other documentation required by SPD in the procurement file.
 - c) TWDB may contact SPD for advice and assistance in the handling of emergency purchases. SPD may not approve an invoice for an emergency purchase unless the agency has complied with the foregoing requirements. This rule does not apply to emergency or disaster-related purchases made in accordance with the [TGC, Chapter 418 \(Texas Disaster Act of 1975\)](#).
- 3) Perishable items. Purchases made under this authority must be obtained through the competitive bidding process, and appropriate documentation must be noted in the procurement file.
- 4) Services. Purchases of services estimated to cost no more than \$100,000 per year per contract are delegated and must be obtained through a competitive selection process, and appropriate documentation must be maintained in the procurement file.
 - a) An agency is required to submit documentation to SPD for proprietary purchases of services or goods over \$25,000 per year.
 - b) Agencies must attempt to obtain at least three informal bids, including a minimum of two bids from HUBs, on all service purchases in excess of \$10,000 and not over \$25,000. As a supplement to the CMBL, agencies may refer to the Centralized Master Bidders List (CMBL), which is maintained and accessible electronically, to locate HUBs in the agencies' geographic region. If an agency is unable to locate two HUBs or other available sources, the agency must make a written notation in the purchase file of all reference sources used.
 - c) For purchases of services estimated more than \$25,000 and less than \$100,000, state agencies must solicit formal bids from all CMBL vendors.
 - d) For purchases of services estimated to cost more than \$100,000 per year, the agency must submit a delegation request to the Procurement Oversight & Delegation (POD) Division of SPD. POD will review any proposed specifications or statements of work and determine whether SPD or the agency should make the advertisement and award. If no competitive advantage would be obtained by having SPD make the advertisement and award, SPD will permit the agency to do so as a delegated purchase.
- 5) Publications. An agency may purchase publications directly from the publisher when such publications are not available through statewide contract or through competitive bidding, including proprietary competitive purchases. Direct

publication orders shall be made by following guidelines established by SPD. Examples of direct publications include, but are not limited to:

- a) foreign publications
 - b) out-of-print or rare publications
 - c) back issues of magazines, journals, and newspapers
 - d) publications of professional societies
 - e) audio, visual, or audiovisual materials (films, audio presentations, etc.)
 - f) computer software
 - g) collections of any of the foregoing items, and microfilm or microfiche copies of any of the foregoing items
 - h) Library of Congress cards
- 6) Fuel, oil, and grease. TWDB may make fuel, oil, and grease purchases at service stations or in bulk. Fuel, oil, and grease purchases may be purchased using a State of Texas Retail Fuel Card. Non-competitive and emergency purchase procedures apply to purchases at service stations.
- 7) Distributor purchases. An agency may make distributor purchases by following guidelines established by SPD. An agency may not purchase any of the following on a distributor purchase basis: consumable items; labor of any kind (see "service"); "will fit" parts (non-OEM); parts for stock; contract items; electrical parts for electric motors; electrical switch panel boards; or electrical accessories.

Specific delegations

The authority to grant specific delegations resides with the Purchaser. The application method, review process, delegation finding, and appeal process will be set forth by policy statement of the Director. At a minimum, state agencies granted specific delegations shall meet the following criteria:

- a) procurement audit standards set forth in [Texas Government Code §2155.324](#) of this title (relating to Auditing of Purchase Documents)
- b) minimum training and certification standards established in the State Procurement Manual
- c) approved processes and procedures for the specific type of delegation being requested. All processes and procedures are subject to the prior review, revision and approval of the Director

Protest Procedures

The TWDB shall adopt protest procedures and submit a copy to SPD during the post-payment audit of the agency's purchasing documents or upon request by CPA.

Procurement Plan

The TWDB must complete an agency procurement plan that identifies an agency's management controls and purchasing oversight authority in accordance with the policy guidance contained in the [Texas Procurement and Contract Management](#)

[Guide](#). TWDB submit a copy of the procurement plan to SPD annually on November 30.

Debarred Vendors

The TWDB shall ensure that debarred vendors do not participate in state contracts and will establish procedures to ensure awards are not made to debarred vendors.

Section 1.3 – TWDB Purchasing and Employee Authorities

Policy

The TWDB shall establish authorities, roles and responsibilities that define acceptable purchasing practices by TWDB employees.

Purpose

To ensure all staff understand acceptable and unacceptable actions by employees related to procurement.

Procedure

TWDB Authority

- 1) The statutory purchasing authority is delegated to the TWDB by the CPA, SPD division under [Texas Government Code \(TGC\), Title 10, Chapter 2155 through 2161](#) and the [Texas Administrative Code \(TAC\), Title 34, Part 1, Chapter 20](#).
- 2) The TWDB Purchasers are responsible for the procurement of goods and services are required to uphold the procurement laws of this state and to serve the best interest of the TWDB.

Purchaser Authority

All public procurement professionals, including those from agencies exempted from the purchasing authority of SPD, must receive training and continuing education to the extent required by SPD. There are two levels of certification. TWDB requires purchasing staff to obtain the Certified Texas Contract Developer (CTCD) Certification. With this certification, each purchaser is authorized to oblige The TWDB for procurements, within the scope of their delegated authority. ***The TWDB purchasers determine how procurements shall be processed.***

Employee Authority

- 1) The TWDB employees do not have the authority to procure goods or services. However, employees are authorized to initiate a request for purchase by completing a Centralized Accounting and Payroll/Personnel System (CAPPS) Requisition. The CAPPS requisition is an internal TWDB pre-encumbrance that is used to request the procurement of a product, service, training, membership, professional license, etc.
- 2) When a TWDB employee seeks to make an agency related purchase, the following guidelines should be considered:
 - a) TWDB employees are encouraged to conduct research on the product they are requesting, by searching the internet or contacting an appropriate vendor for product and general pricing information
 - b) TWDB employees are not authorized to obligate agency funds, to procure or negotiate a purchase or to request formal bids.

- c) Employees can only gather information regarding the product or service they wish to have purchased, and attach the information to the CAPPS requisition
 - d) Plan ahead to allow other departments time to process your request
 - e) Provide as much information as possible regarding your request by attaching information, specifications and/or part numbers to the CAPPS requisition
 - f) Review your department's supply needs and order only once per month or quarter (when possible)
 - g) Keep a history of your department's past purchases to combine requests for similar items wherever possible
 - h) Review the estimated cost of your purchase with your manager
 - i) Purchases that exceed 10% of the approved CAPPS requisition encumbrance may be granted a doc tolerance approval up to \$250, provided they receive authorization from a Manager, Director, or DEA, and the applicable budget officer is notified. Purchases exceeding both the doc tolerance and the \$250 threshold must be supported by a new CAPPS requisition submitted by the requestor.
 - j) For training classes and conferences, attach a completed registration form to the CAPPS requisition
 - k) **Contact Purchasing immediately if you need to cancel a training class, a conference/seminar registration and/or provide a substitute for a training/conference/seminar registration**
 - l) Keep a running balance of your blanket expenditure requisitions and notify your Budget Officer and Purchasing if you expect to exceed the pre-approved CAPPS requisition amount
 - m) **If received, forward any invoices to Accounts Payable (invoice@twdb.texas.gov). Packing slips, receipts and other related documents should go to Purchasing (purchasing@twdb.texas.gov) and Support Services (supportservices@twdb.texas.gov) upon receipt**
- 3) *NOTE: Under no circumstances can State of Texas funds be utilized for entertainment expenses (which may include items such as food, beverages, tickets or social events). No exceptions are permitted.*

After the Fact Purchases

If a TWDB employee makes a purchase in violation and non-compliance with this policy, an **[After-the-Fact Procurement Approval Request](#)** document will be required for the procurement file. This approval request must be submitted by the employee that committed the violation for approval and signature by their respective Division Director, and Deputy Executive Administrator (DEA). This approval form is available and published on the IWEB. The form requires an explanation for the non-compliant purchase and corrective actions to prevent future occurrences. This documentation will be maintained with the procurement file for audit purposes – with a copy provided to the Executive Administrator.

Approvals

All CAPPS Requisitions require approval and signature of the following TWDB staff:

- a) Manager and/or Director
- b) Division Budget Officer
- c) Deputy Executive Administrator (if over \$1,000)
- d) Information Technology, if applicable
- e) General Counsel, if applicable
- f) Executive Administrator (if over \$25,000)
- g) General Ledger
- h) Budget Director
- i) Requests over \$250,000 require approval by Members of the Water Development Board through an open meeting.

RUSH Requests

All RUSH requests should reach out to purchasing@twdb.texas.gov by the requestor as soon as possible to ensure a timely delivery of products or services if possible.

Section 1.4 – TWDB Purchasing Team Roles and Responsibilities

Policy

TWDB will establish and maintain a Purchasing Team whose function shall be to coordinate all procurement processing and support for the TWDB.

Purpose

To ensure proper procurement and to designate and authorize appropriate staff to procure goods and services for the TWDB.

Procedures

The procurement of all goods and services (which include office supplies, computer equipment, furniture, books, field equipment, vehicles, etc.) are coordinated and performed by the Purchasing Team of the Procurement and Contracts Services Division within Finance.

The Purchasing Team is responsible, but not limited to, the following duties:

- 1) Researching products, prices and sources
- 2) Obtaining bids from vendors listed on the CMBL
- 3) Ensuring HUB vendors are being fully utilized
- 4) Assisting with bid specifications (program areas are the technical experts in their fields and are responsible for writing their specifications for purchases)
- 5) Issuing purchase orders
- 6) May increase purchase orders within agency doc tolerance threshold of 10% for minor fluctuations in product costs due to market conditions
- 7) Returning and/or exchanging items received in error, do not work properly or fit the need
- 8) Assisting staff with procurement issues
- 9) Verifying Franchise Tax status, Debarred Vendor status, Excluded Parties status, and General Vendor checks
- 10) Expediting orders
- 11) Tracking order status

The Purchasing Team is responsible for providing procurement assistance to any TWDB staff upon request. It is the sole responsibility of the assigned TWDB purchaser to determine in which manner the items and/or services are to be purchased. The purchasing method must adhere to both State and Federal guidelines.

All approved CAPPs requisitions are processed on a first-in-first-out basis with the exception of those marked RUSH and/or those that include a Time Sensitive Date.

The TWDB purchaser is the only individual that is authorized to purchase goods and/or services for the TWDB through guidelines, regulations, and laws pertaining to the procurement of goods and/or services. Employees are strongly discouraged from securing

goods or services on the TWDB's behalf, and from purchasing items with personal funds and seeking reimbursement. Both of these practices are considered non-compliant with State and Federal purchasing guidelines.

Section 1.5 – Purchasing Training and Certification

Policy

The TWDB requires all Purchasing Team members to be properly trained and to obtain the required professional certifications to perform their duties.

Purpose

In accordance with [TAC, Title 34](#), the CPA administers a system of training, continuing education, and certification for state agency personnel. This policy ensures compliance with those requirements.

Procedures

All TWDB purchasers shall participate in and adhere to the following training and certification requirements:

Certification

[Certified Texas Contract Developer \(CTCD\)](#) – Required certification as a state agency purchaser who will engage in contract development functions or awards a contract posted to the Electronic State Business Daily or the Texas Register on behalf of a state agency. This certification requires taking a 3-day course and successful completion of a written exam.

Training and Certification Implementation Plan

- 1) All state agency purchasing employees must be trained and certified.
- 2) Each TWDB purchaser will acquire their CTCD certification within 6 months of hire or as defined in the purchaser's employment offer.
- 3) All purchasers are required to participate in continuing education in accordance with rules established by the CPA's office to maintain their CTCD certification.

Chapter 2 – General Purchasing Policies and Procedures

Section 2.1 – Standard Purchases / CAPPs Requisitions

Policy

All TWDB staff shall be required to follow a standard set of rules for the purchase of goods and services to conduct agency business.

Purpose

Standard purchasing protocols are necessary to reduce procurement risks to the agency and to ensure TWDB gets the best value possible for products and services.

Procedures

Below are steps that must be followed in order to acquire goods and services:

- 1) The end user (TWDB employee) should research and determine what item and/or service is needed.
- 2) The end user may contact the TWDB Purchasing Team to discuss the item and/or service being requested. Purchasing will assist the end user in obtaining the information that is needed to accurately complete a CAPPs requisition.
- 3) The end user will complete a CAPPs requisition and route it according to the approvals required. A fully approved CAPPs requisition will initiate the procurement process.

It is critical that the end user provide as much detailed information as possible, including quantities, costs and descriptions on the CAPPs requisition. This will assist in the procurement process and allow you to receive your items in a timely manner.

NOTE: all requests for printing services must be coordinated through TWDB's [Communications Creative Services Request Form](#) or by emailing communicationscopying@twdb.texas.gov.

Authority Matrix

A matrix detailing the [signature authority requirements](#) for all CAPPs requisitions and contracts may be found on the TWDB Internal IWEB.

- 1) The fully completed and approved CAPPs requisition is received by Purchasing and then will be sourced into a purchase order (PO) and assigned a PO number. Purchases for items less than \$10,000 are generally placed within 7 working days. Purchases that are greater than \$10,000 will take longer for processing due to increased bidding requirements.
- 2) Once an item is received by the Support Services team, the item is delivered to the end user. The end user is required to sign off on the purchase order

acknowledging receipt of the item. Any Information Technology (IT) items (i.e., software, computers, etc.) are delivered to the IT Section as they are responsible for handling such items and delivering and/or installing the item(s) for the end user.

Section 2.2 – Emergency Purchases

Policy

As defined in this section emergency purchases can be made for the TWDB when critical circumstances exist, preventing the purchase from conforming to the Standard Purchases Rules and Procedures in [Section 2.1](#).

Purpose

An emergency purchase is defined by the Texas State CPA as a situation in which goods or services are so urgently needed that “compliance with normal procurement practice is impracticable or contrary to the public interest.” In these instances, “an emergency purchase may be warranted to prevent a hazard to life, health, safety, welfare, property or to avoid undue additional cost to the state.”

Procedures

All emergency purchases must be coordinated through the Purchasing Team whenever possible. If a TWDB employee is required to make an emergency purchase, the employee should follow the procedures listed below:

- 1) Immediately contact the Purchasing Team.
- 2) The Purchasing Team will assist in finding a vendor to provide the needed goods and/or services.
- 3) The Purchasing Team will verify all purchasing requirements and vendor checks.
- 4) The Purchasing Team will place the order or provide the employee a purchase order number or a credit card number in order to secure the goods and/or services.
- 5) A CAPPS requisition must be prepared for the goods or services as soon as possible. The employee must prepare a letter of justification for the emergency purchase and attach it in the CAPPS requisition. If an invoice was provided, a copy of it should be attached to the CAPPS requisition and the original should be routed to Accounts Payable.
- 6) Once the approved CAPPS requisition is received by the Purchasing Team, it will be prioritized accordingly.

In the event the Purchasing Team cannot be contacted and you need an item and/or service immediately (i.e. roadside emergency, field emergency, etc.) , proceed with the purchase using personal funds (cash, personal check, personal credit card).

PLEASE NOTE: Use of personal funds must only be conducted when there is an absolute emergency. The employee seeking reimbursement is responsible for submitting a CAPPS requisition with all pertinent paperwork. Purchases made under these circumstances must be well documented by the end user, including details of efforts made to contact the Purchasing Team for assistance.

Section 2.3 – Blanket Purchases

Policy

The TWDB shall establish procedures for the efficient processing of recurring annual purchases – also known as blanket purchases.

Purposes

A blanket requisition is for purchases from the same vendor during the course of a fiscal year. Blankets are primarily used for recurring monthly services or products (e.g., rent, telecom, utilities).

Procedures

CAPPS Requisition Initiation

CAPPS requisitions should include the following:

- 1) Suggested vendor name, phone number, contact name and email address (if there is no suggested vendor, you may leave this blank)
- 2) Any comments
- 3) Quantity, Unit, Item Description, Unit Cost, Total Cost
- 4) Manufacturer part or item numbers, if applicable
- 5) Attach any information relevant to the requested item

NOTE: Purchasing will not begin processing a request without a fully approved CAPPS requisition.

Additional Purchasing Responsibilities

A PDF version of the blanket purchase order will be emailed to the requestor and any other point of contact noted in the CAPPS requisition by the requestor.

Employee Responsibilities

In most cases, please allow up to 30 days for processing of the blanket Purchase Order (PO).

It is the responsibility of the requestor and/or the Budget Officer to ensure that all purchases are tracked for each specific blanket purchase order to prevent negative balances.

Section 2.4 – Rush Orders and Time Sensitive Purchases

Policy

Where needed, TWDB employees will follow rush and time sensitive purchase guidelines to ensure prompt delivery of goods and services.

Purpose

Rush purchases are for goods and services that must be obtained within 48 hours of receiving a fully approved CAPPS requisition. **Time sensitive purchases** are for goods and services that must be obtained by a specified date – as indicated by the end user.

This policy aids the Purchasing Team in its mission to deliver goods and services to end users quickly. While the Purchasing Team encourages advance planning in all procurements, it is recognized that emergencies and unexpected needs arise. The rules and procedures within this section will facilitate rapid delivery of your goods and/or services.

Procedures

RUSH Purchases Requirements

All CAPPS requisitions deemed a RUSH, which require processing within 48 hours must adhere to the following in order to provide the Purchasing Team sufficient opportunity to fulfill the end-user's request:

- 1) All standard approvals must be acquired, as well as any additional approvals dictated by TWDB's [Signature Authority Requirements Matrix](#).
- 2) All CAPPS requisitions must contain adequate/accurate information, including any additional backup documentation needed to process the request.

TIME SENSITIVE Purchases

Time Sensitive purchases are described as those that do not require rush processing, but may require processing by a certain date in order to:

- 1) Obtain special pricing
- 2) Meet specific deadlines set by the vendor, which are outside TWDB's control
- 3) Provide necessary products or services to TWDB staff in fulfillment of their regular job duties
- 4) Provide necessary products or services to TWDB staff in addressing unexpected or unplanned situations, which are outside TWDB's control

NOTE: All purchases will be processed in accordance with the Delegated Purchasing Authority granted to TWDB by the CPA, SPD and described in TWDB's Bidding Category Requirements ([Section 4.1](#)).

Section 2.5 – Historically Underutilized Business (HUB) Program

Policy

The TWDB is committed to providing procurement and contracting opportunities for minority and women owned businesses. The TWDB will maintain an environment that will enhance HUB vendors' participation in TWDB purchases

Purpose

To comply with provisions of the [State's HUB Program](#) as described in TAC Title 34, Part 1, Chapter 20, Subchapter D, Division 1, Sections 20.281 to 20.298 and TGC 2161 while concurrently ensuring the State gets the best value for each TWDB procurement processed.

HUB DEFINITION

As defined by the Texas State CPA, a "Historically Underutilized Business":

- 1) is at least 51% owned, controlled, and operated by an Asian Pacific American, Black American, Hispanic American, Native American, American woman and/or Service-Disabled Veteran
- 2) is a for-profit entity that has not exceeded the size standards prescribed by 34 TAC §20.23, and has its principal place of business in Texas, and
- 3) has an owner residing in Texas with a proportionate interest that actively participates in the control, operations and management of the entity's affairs

Procedure

The Purchasing Team utilizes HUB vendors from the CMBL and complies with the [State of Texas Procurement and Contract Management Guide](#) on all bids for goods and services. The TWDB has adopted and employs HUB manual rules and practices. The TWDB Purchasing Team has the authority to determine the vendor for all procurements, as established by the CPA's Office.

HUB Vendor Policy

The TWDB will attempt to obtain bids for all goods and services from Certified HUB firms and vendors. The CMBL will be used to assist in identifying HUBs. The TWDB will comply with all bidding requirements outlined in the [State of Texas Procurement and Contract Management Guide](#) and will comply with all HUB Rules.

Program Objectives

The TWDB is dedicated to its support of the HUB program. We are committed to improving opportunities for HUB participation in our competitive procurement and contracting processes to promote full and equal opportunities for all businesses in state contracting.

The TWDB actively strives to meet the approved statewide goals in each of the designated procurement categories as listed below:

Category	Percentage Target
Heavy Construction	11.2%
Building Construction	21.1%
Special Trades	32.9%
Professional Services	23.7%
Other Services	26.0%
Commodity Purchases	21.1%

The TWDB will attempt to utilize HUB sub-contractors, whenever possible. The TWDB purchaser reserves the right to divide all large orders or contracts into small orders or contracts in order to encourage HUB participation.

Section 2.6 – Mentor Protégé Program

Policy

The TWDB will implement and maintain a Mentor Protégé program that is consistent with requirements established by the CPA.

Purpose

[The State of Texas Mentor Protégé Program](#) is designed to foster strong, developmental long-term relationships between prime contractors and HUBs. The objective of the Mentor Protégé Program is to provide professional guidance and support to the Protégé in order to facilitate their growth and development and increase HUB contracts with the State of Texas. All participation is voluntary and initiated by interested HUB enterprises.

Procedure

In accordance with instructions from the CPA, each state agency with a biennial appropriation that exceeds \$10 million, shall implement a Mentor Protégé Program. State agencies are allowed to implement a Mentor Protégé Program individually or cooperatively and are encouraged to address the needs of protégé businesses in critical areas of state procurement.

Participation in the program requires the protégé be State of Texas HUB certified, and the Mentor Protégé Agreement be sponsored by a state agency.

The following criteria may be considered for Mentor participation by state agencies:

- 1) Registration with the State of Texas CMBL
- 2) Previous mentoring experience or solid work history
- 3) Ability to provide developmental guidance in areas identified by the protégé
- 4) "Good Standing" in doing business with the State of Texas

The following criteria is required for Protégé participation by state agencies:

- 1) HUB certified under the State of Texas HUB Program (Protégé must be certified as a HUB prior to listing onto the Comptroller's Mentor Protégé Agreement list)
- 2) have been in operation for at least one year
- 3) Desire to participate with a mentoring firm
- 4) Ability to identify the type of guidance needed for business development
- 5) be in "Good Standing" in doing business with the State of Texas

Section 2.7 – Restrictions – Employee or Former State Officer

Policy

Under the authority of the Texas Water Development Board (TWDB), the Procurement and Contract Services Division is charged with defining and implementing policies and procedures that relate to certain employment for former state officers or employee restricted as defined in [Texas Government Code Section 572.069](#).

Purpose

Standard protocols are necessary to reduce risks to the agency and to ensure the TWDB is following the Texas Government Code.

Procedure

All TWDB agency employees shall follow the statute:

A former state officer or employee of a state agency who during the period of state or employment participated on behalf of a state agency in a procurement or contract negotiation involving a person may not accept employment from the person before the second anniversary of the date the contract is signed, or the procurement is terminated or withdrawn.

Chapter 3 – Item Specific Policies and Procedures

Section 3.1 – Business Machine Repairs

Policy

Business Machine Repairs will be coordinated through Information Technologies (IT) and Purchasing.

Purpose

This policy covers the repair of any TWDB business machine such as a printer, fax machine, plotter, etc., not under warranty.

Procedure

For any issues related to your personal computer, please contact the TWDB Help Desk for assistance.

Copiers

For copier machine repairs, please contact IT. The following information must be provided before a repair request can be submitted:

- 1) Copier serial number
- 2) Location of copier
- 3) Problem with copier

Austin Based Staff (SFA EMPLOYEES):

For business machine repairs (printers, fax machines, etc.), TWDB contracts with a vendor to handle all maintenance and repair issues. If you have problems with your business machine, please do the following:

- 1) Contact IT to report the problem
- 2) Provide the machine type, model, inventory number and location
- 3) The appropriate vendor will be contacted, and a repair technician will generally be out within 24 hours
- 4) Complete a CAPPS requisition and include copies of the work order or repair order form, from the technician

District/Field Offices

For any business machine repairs not involving our current copier vendor, please contact the IT Team with the problem, type of machine and serial number (if possible). IT will provide additional instructions at the time your request is received.

CAPPS requisitions are generally not required for Business Machine Repairs. If you have any questions, please contact the Purchasing Team or IT.

Section 3.2 – Office Supplies and Other Items

Policy

Office Supply purchases will be processed utilizing the [WorkQuest Central Supply Store](#), whenever practical. If an item is not available from WorkQuest, an outside vendor will be used.

Other Items can include but are not limited to field equipment, specialized items or services. These items will be purchased on a case-by-case basis in accordance with applicable procurement rules.

Purpose

The TWDB utilizes WorkQuest services for office supply purchases in accordance with CPA rules and regulations. The [WorkQuest Central Supply Store](#) offers everyday office supplies, such as pens, post-its, pencils, folders, note pads, binders, and some computer related items (i.e. toners). Office Supply items not available from the WorkQuest Central Supply Store should be requested through a CAPPs requisition.

Other Items are purchased in a manner that is similar to Office Supplies, though WorkQuest rules do not apply

Procedure

WorkQuest Central Store Procedures

The [WorkQuest Central Supply Store](#) is a general office supply store that the TWDB uses to obtain everyday office supplies. To make a purchase from WorkQuest, please submit a CAPPs requisition with all items, descriptions, pricing information and route for the necessary approvals.

Office Supplies not available from WorkQuest

Office supplies such as specialized folders, pens, organizers, note pads, etc., which are not available from the WorkQuest Central Supply Store may be ordered from another vendor.

NOTE: Office supplies do not include IT-related items such as computers, software, printers, mice, keyboards, scanners, etc. Please see [Section 3.5](#) referencing IT purchases for further information.

Other Items

Other items can include field equipment, specialized items, furniture and vehicles.

Office Supply and Other Items

A CAPPS requisition is prepared and should include the following:

- 1) Suggested vendor name, phone number, contact name and email address (if there is no suggested vendor, you may leave this blank)
- 2) Quantity and Unit (example: 1 each, 1 box, or 12 each, etc.)
- 3) Item Description, Unit Cost and Total Cost
- 4) Manufacturer part or item numbers
- 5) Attach any information relevant to the requested item
- 6) Any comments

CAPPS Routing and Approvals

Purchasing will not begin processing the CAPPS requisition until all of the approvals have been received.

Employee Responsibilities

- 1) Research office supply catalogs for product information
- 2) In most cases, please allow at least 7 days for processing of the CAPPS requisition once fully approved
- 3) All RUSH CAPPS requisitions for products may include overnight delivery charges

Section 3.3 – Rental of Conference Rooms or Meeting Space

Policy

TWDB staff will utilize state-owned facilities for any conferences or meetings prior to pursuing non-state-owned facilities.

Purpose

The State of Texas requires the TWDB and its staff to seek state-owned facilities for any conference or meeting prior to pursuing non-state-owned facilities. A state-owned facility may include rooms that are available at State of Texas public universities (e.g. The University of Texas at Austin, Texas State University, Texas A&M University, etc.).

Procedure

State-Owned Meeting Rooms

[The Texas Facilities Commission \(TFC\)](#) maintains a large number of conference or meeting rooms in state-owned buildings that are available for use by the TWDB at no cost. For more information on how to reserve a room for your meeting or conference, please contact the agency Executive Assistant.

Non-State-Owned Meeting Rooms (Third Party Facilities)

If a state-owned facility is not available, you may research the meeting spaces at non-state-owned facilities but expect a cost to be involved. If such facility is required, there will be additional documentation required to accompany a CAPPS requisition.

Meeting Room Request

A CAPPS requisition is prepared and should include the following:

- 1) Suggested vendor name, phone number, fax number, contact name and email address (if there is no suggested vendor, you may leave this blank)
- 2) Date and purpose of meeting
- 3) Cost
- 4) Attach any draft contract/agreement supplied by the vendor

If requesting the use of a non-state-owned facility, you must provide a detailed memorandum justifying the use of the facility and documenting which state-owned/operated facilities were contacted, the name(s) of the person(s) contacted, their phone number(s), and the reason the facility is not suitable or available.

CAPPS Routing and Approvals

CAPPS approvals must be obtained in conformance with requirements found in [Section 1.3](#).

Additional Purchasing Responsibilities

Coordinate legal approval of any contract/agreement required by the facility.

Employee Responsibilities

- 1) Determine the best location for your conference/meeting
- 2) For an Austin area meeting or conference please contact the agency Executive Assistant for assistance in scheduling your event in a state-owned facility
- 3) For an out-of-town meeting or conference please remember to contact state-owned facilities in the area where the meeting will take place
- 4) If a room is needed within 10 days or less from the date the approved CAPPS requisition is generated, the requestor should reach out to the Purchasing team directly to notify them of the quick processing time.

Section 3.4 – Printing and Copying Services

Policy

The TWDB and its employees will abide by all printing and copying service procedures established by the CPA.

Purpose

[State of Texas Procurement and Contract Management Guide](#) establishes instructions and guidelines for state agency printing options, when printing and copying cannot be performed using agency equipment. The guidelines can be viewed at <https://comptroller.texas.gov/purchasing/programs/print-services.php>

The TWDB Purchasing and Communications departments shall coordinate all copying and printing requests.

Procedure

Copying and Printing Services

A Copying or Print Job may include (but is not limited to) items such as reports, brochures, pamphlets or business cards for distribution to outside agency customers. Copying and Print Jobs will include items that for varying reasons cannot be copied or printed at the agency and must be produced by an external entity (other state agency or private vendor).

To request a copy or print job complete a [Copying Services Request Form](#). This form is located on the [IWEB](#) or you can email CommunicationsCopying@twdb.texas.gov with questions related to your request.

Copying/Printing Requisition Initiation

If instructed by the Purchasing Team, complete a CAPPS requisition that should include the following:

- 1) Suggested vendor name, phone number, fax number, contact name and email address (if there is no suggested vendor, you may leave this blank)
- 2) Quantity, Unit, Item Description, Unit Cost, and Total Cost
- 3) Attach any information relevant to the requested item that may assist the Purchasing Team with the procurement

CAPPS Routing and Approvals

CAPPS requisition approvals must be obtained in conformance with requirements found in [Section 1.3](#).

Employee Responsibilities

Contact the [Purchasing Team](#) to determine specifications for the copying or print job (for example, job specifications, paper, binding, ink color, etc.). In most cases, please allow at least 30 days (or longer) for processing of the requisition.

Section 3.5 – Information Technology Purchases

Policy

All information technology (IT) related purchases shall conform to hardware and software standards established for the TWDB and must be approved by the Chief Information Officer of the TWDB IT section and comply with [Texas Government Code Section 2155.0755](#), Verification of Use of Best Value Standard.

All Texas state agencies are required to use the Department of Information Resources (DIR) for purchases of Automated Information Systems (AIS) commodity items and services, unless exempted. AIS refers to computerized systems used to collect, store, process, and transmit data. Examples include hardware, software, data management tools, IT procedures, and IT staffing services.

Purpose

This policy ensures that technology purchases are consistent with the TWDB IT requirements and conform with the accessibility standards for state agencies established under [TAC Title 1, Part 10, Chapter 213](#).

Procedure

Information Technology Purchases Defined

IT purchases may include computer hardware, software, and accessories (i.e., computers, laptops, monitors, printers, digital cameras, hard drives, mouse devices, keyboards, label makers, etc.).

IT Requisition Initiation for Purchases

A CAPPs requisition is prepared and should include the following:

- 1) Suggested vendor name, phone number, contact name and email address (if there is no suggested vendor, you may leave this blank)
- 2) Quantity and Unit (example: 1 each, 1 box, or 12 each, etc.), Item Description, Unit Cost and Total Cost
- 3) Manufacturer part or item numbers
- 4) Attach any information relevant to the requested item
- 5) Any comments

Purchasing Responsibility

Once a CAPPs requisition has been fully approved, the assigned purchaser will evaluate whether the requested product or service is available through a DIR contract. The purchaser will make every reasonable effort to source the item from a DIR vendor. If the specific good or service cannot be located within DIR's offerings, the purchaser will initiate a DIR Exemption Request. Processing exemption requests

by DIR may take up to 30 days. Upon approval, the purchaser may proceed to finalize the purchase.

Additionally, for purchases exceeding \$50,000, the purchaser is required to obtain price quotes from multiple DIR vendors. For detailed guidance on purchasing thresholds, refer to the 'DIR Procurement Threshold' of the [Bidding Requirements](#) section in this manual.

IT Requisition Initiation for Services

DIR Statement of Work (SOW) Process

Texas State Agencies are required by [Texas Government Code §2157.0685](#) to submit SOWs to DIR for review and approval before soliciting vendors if the award value exceeds \$50,000.

The DIR SOW process is a formal review and approval workflow required for Texas state agencies procuring technology services over \$50,000 through DIR contracts. Agencies must submit draft and final SOWs to DIR for approval before vendor engagement.

A Statement of Work (SOW) is a legally binding document used to define the scope, deliverables, timeline, and pricing for technology services procured through DIR contracts. It applies to services such as:

- 1) Deliverables-Based IT Services (DBITS)
- 2) IT Staffing Services
- 3) IT Security Services
- 4) Cloud Services (when SOW is executed)
- 5) Web Development and Digital Management
- 6) End-User IT Outsourcing

DIR SOW Requisition Initiation

A CAPPS requisition is prepared and should include the following:

- 1) Suggested vendor name, phone number, contact name and email address (if there is no suggested vendor, you may leave this blank)
- 2) Draft SOW to include scope, deliverables, schedule, pricing, and acceptance criteria
- 3) Any comments

Purchasing and DIR Responsibility

The assigned purchaser will submit the draft SOW to the DIR SOW Portal for review. DIR will evaluate the draft for compliance with contract terms and statutory requirements. After providing feedback, DIR will supply a list of eligible vendors that purchasing may solicit for bids. The required number of

bids can be found in the 'DIR Procurement Threshold' of the [Bidding Requirements](#) section in this manual. Once all bids are received and the score tabulation is completed, the purchaser will submit the final SOW to DIR for approval. DIR must sign the final SOW before it becomes valid and before any payments can be made to vendors.

For additional information on the DIR SOW process please visit <https://dir.texas.gov/it-solutions-and-services/buying-through-dir/statement-work-sow>

Voluntary Product Accessibility Template (VPAT) Requirements

To conform with requirements established in TAC, Title 1, Chapter 213 and Government Code Chapter 2054, the TWDB has established policies and procedures related to accessibility. The [Electronic Information Resources Accessibility Guide](#) and [VPAT process](#) documents are available on the iWEB.

The determination of the need for a VPAT will be made solely by the TWDB IT Management and notated on any CAPPS requisitions that are submitted for approval.

CAPPS Routing and Approvals

CAPPS approvals must be obtained in conformance with requirements found in [Section 1.3](#) and the Information Technology Division.

Employee Responsibilities

- 1) Research applicable catalogs or internet for product information, such as Texas Department of Information Resources – [The DIR website](#).
- 2) [Contact IT Help Desk](#) at 463-7764 for guidance on IT requests.
- 3) Please reference the table in [Section 4.1](#) for requisition processing lead times
- 4) Remember that all expedited requisitions received for products may include applicable rush delivery charges.

Section 3.6 – Training of Conference Registration

Policy

Registration for training or conference events that require a participation fee will be coordinated through and completed solely by the Purchasing Team.

Purpose

In accordance with [Section 1.3](#), TWDB employees are not authorized to obligate TWDB funds. The act of registering for a conference or training event, where costs are incurred, is obligating TWDB funds. Therefore, self-registration should not be done. Rules and procedures within this section were created to ensure agency and employee interests are protected.

Procedure

Training and Conferences Defined

Off-Site Training or Conferences may include but are not limited to training, conferences, workshops, seminars, forums, conventions, symposiums and/or any type of instruction classes that are provided at a cost and in most cases are presented away from the employees' workplace. **NOTE: The policy and rules of this section do not apply if an employee wishes to register for an event that has NO cost to the agency.**

Training/Conference CAPPs Requisition Initiation

A CAPPs requisition is prepared and should include the following:

- 1) Suggested vendor name, phone number, contact name and email address (if there is no suggested vendor, you may leave this blank)
- 2) Name of employee(s) attending the Training
- 3) Name of Training, location and dates
- 4) Quantity, Unit, Item Description, Unit Cost, and Total Cost
- 5) Completed registration form***
- 6) Attach any information relevant to the request
- 7) Any comments

CAPPs Routing and Approvals

CAPPs approvals must be obtained in conformance with requirements found in [Section 1.3](#).

Additional Purchasing Responsibilities

- 1) Register employee for Training
- 2) Send employee email confirming registration

Employee Responsibilities

- 1) Please use the processing table in [Section 4.1](#) for threshold processing lead times
- 2) Mark your calendar with the date of your Training class
- 3) Retain any instructions that reference the location and/or directions and time of the training, parking instructions, telephone contacts, etc.
 - a. Please note proof of attendance may be required by Accounts Payable for some conferences, certification courses, etc. It is the employee's responsibility to submit that information if needed to [Accounts Payable](#) upon returning from the class or conference.
- 4) Additionally, upon returning from the Training, complete the [HR training evaluation form](#) on the IWEB.

***Registration Forms**

- 1) Purchasing cannot process your registration without a completed registration form. When referencing an address, please use the TWDB's mailing address: PO Box 13231, Austin, TX 78711-3231.
- 2) If the registration requires an Electronic (On-Line) registration form, please ONLY fill in the blanks of the form and print the page(s) and attach it to the CAPPS requisition. **UNDER NO CIRCUMSTANCES SHOULD AN EMPLOYEE CLICK THE "SUBMIT BUTTON" AND REGISTER.**

Section 3.7 – Membership Fees

Policy

Budget permitting, the TWDB may pay membership fees for its employees, if the membership is deemed necessary to perform the work of the TWDB, consistent with the agency mission and clearly beneficial to the state.

Purpose

This policy intends to ensure that membership fees are funded by the State only in instances where there is a tangible work benefit in doing so (e.g., *professional associations – Association of Professional Engineers, Institute of Internal Auditors, Project Management Institute*). The decision to pay membership fees for staff is to be determined on a case-by-case basis by management.

Procedure

Membership Fee Requisition Initiation

A CAPPs requisition is prepared and should include the following:

- 1) Name Organization and/or Association
- 2) Name of Employee requesting Membership
- 3) Membership period (i.e., January 1, 20xx thru December 31, 20xx)
- 4) Completed Membership renewal form and/or new Membership Application
- 5) Completed [Statement of Membership Dues Form](#), signed by the appropriate employee from the requested organization.
- 6) Any Comments
- 7) Attach any information relevant to the requested Membership
 - a. NOTE: Membership fees greater than \$5,000 may include additional supporting documentation needing approval by your Deputy Executive Administrator, Assistant Executive Administrator or Executive Administrator before purchasing may complete processing.

CAPPs Routing and Approvals

CAPPs approvals must be obtained in conformance with requirements found in [Section 1.3](#) and the **Executive Administrator or Assistant Executive Administrator**

Employee Responsibilities

- 1) Please reference [Section 4.1](#) for CAPPs requisition processing lead times
- 2) ***The employee must fill out a [STATEMENT OF MEMBERSHIP DUES form](#) and attach it to the CAPPs Requisition***

Section 3.8 – Professional License Fees

Policy

Budget permitting, the TWDB may pay professional license fees for its employees, if the professional license is required as a condition of employment.

Purpose

In accordance with the [TWDB Employee Handbook](#), some employees are required to hold and maintain a professional license or certification (*e.g., professional certifications – Human Resources Professional, Project Management Professional*) as a condition of employment and provide annual verification of the license to their direct supervisor. As deemed appropriate by management, the TWDB may pay for the costs associated with these fees.

Procedure

License Fee Requisition Initiation

A CAPPS requisition is prepared and should include the following:

- 1) Suggested vendor name, phone number, contact name and email address (if there is no suggested vendor, you may leave this blank)
- 2) Quantity, Unit, Item Description, Unit Cost, and Total Cost
- 3) Attach any information relevant to the requested item, including renewal notice, application or CEU's if applicable
- 4) Any comments

CAPPS Routing and Approvals

CAPPS approvals must be obtained in conformance with requirements found in [Section 1.3](#) and the **Executive Administrator or Assistant Executive Administrator**.

Section 3.9 – Proprietary Purchases

Policy

The TWDB will establish and maintain procedures and protocols for purchases that are proprietary and unique in nature.

Purpose

Proprietary purchases occur when a product or service has a distinctive characteristic that is not shared by competing products or services. When the specification limits consideration to one manufacturer, one product or one service provider, a proprietary purchase can be made. The procedures are consistent with the [State of Texas Procurement and Contract Management Guide](#).

Procedure

Justification Requirements

In general, when the specification limits consideration to one manufacturer, one product or one service provider, the agency must include a written Proprietary Purchase Justification in the procurement file.

Proprietary Purchases of \$10,000.00 or less

Proprietary justification is not needed for purchases of \$10,000 or less.

Proprietary Purchases of \$10,000.01 to \$25,000.00

If the estimated purchase is between \$10,000.01 and \$25,000.00 a [Proprietary Purchase Justification Memo](#) must be produced and signed by the appropriate Deputy Executive Administrator. This memorandum must be attached to the associated CAPPS requisition.

Proprietary Purchases of \$25,000.01 or more

For any purchase with an estimated value of \$25,000.01 or greater, a Formal Proprietary Purchase Justification Letter must be prepared.

This justification must be printed on official agency letterhead, addressed to Purchasing, signed by the Executive Administrator, and attached to the corresponding CAPPS requisition.

NOTE: Do not send the letter to the CPA's Office. The TWDB Purchasing Team will send the appropriate documents once the approved requisition is received.

Justification Memo and Letter Requirements

The [Proprietary Purchase Justification Memo](#) or Letter shall include the following:

- 1) An explanation of the need for the proprietary specifications
- 2) The reason competing products are not satisfactory
- 3) Any other information supporting the request (if determined applicable by the Purchasing Team)

Section 3.10 – Employee Reimbursements

Policy

An employee may be reimbursed when personal funds have been expended for an agency related and necessary purchase.

Purpose

It is understood and recognized that on **rare** occasions, a TWDB employee may have to purchase services or goods in emergency situations with personal funds to perform their duties. While reimbursement is acceptable in certain situations, it is the position of the TWDB that employee reimbursements be strongly discouraged. Examples of reimbursable expenses include roadside services, test expenses, license renewals or class registrations.

Procedure

Employee Reimbursement Requisition Initiation

A CAPPS requisition is prepared and should include the following:

- 1) Vendor name shall be the employee seeking reimbursement
- 2) Attach proof of payment, such as a paid receipt, copy of canceled check (front and back), charge receipt, etc.
- 3) Description of what is being reimbursed and total cost excluding tax. (The agency is not allowed to reimburse sales tax)
- 4) Name of vendor paid
- 5) Any comments

CAPPS Routing and Approvals

CAPPS approvals must be obtained in conformance with requirements found in [Section 1.3](#) and the **TWDB, Purchaser and Employee Authorities**.

Employee Responsibilities

- 1) Please reference [Section 4.1](#) for CAPPS requisition processing lead times.
- 2) Attach proof of payment, such as a paid receipt, copy of canceled check (front and back), charge receipt, etc.
- 3) Before seeking tuition reimbursement, employees must follow the guidelines outlined in the [TWDB Employee Handbook](#).
- 4) If employee is seeking reimbursement for books, please be aware the books become the property of the TWDB and must be retained at the TWDB office

Section 3.11 – On-Line Job Postings

Policy

TWDB employment opportunities may be advertised through on-line job websites, as long as TWDB Human Resources (HR) approval has been obtained.

Purpose

At times it may be necessary to utilize on-line job advertisement companies (e.g., Monster, jobs.com, LinkedIn, etc.) to publicize an employment vacancy at the TWDB. These services sometimes allow the TWDB to reach a broader audience of potential job applicants, thus improving the quality of employee candidates for interviews.

Procedure

Coordination with Human Resources

The end user should coordinate with TWDB Human Resources staff to determine when it is appropriate to advertise a job opportunity through an employment website. All HR policies and procedures must be considered prior to initiating an On-Line Job Posting Requisition.

For additional information, please reference [TWDB Employee Handbook](#) and the [CAPPS Recruit/Hiring and Selection Training](#).

On-Line Job Posting Requisition Initiation

A CAPPS requisition is prepared and should include the following:

- 1) Vendor name, phone number, contact name, email address and web address
- 2) Time Period of Posting
- 3) Attach any information relevant to the requested item including the job posting
- 4) Any comments

CAPPS Routing and Approvals

CAPPS approvals must be obtained in conformance with requirements found in [Section 1.3](#) and the **Human Resources Division**.

Employee Responsibilities

In most cases, please allow at least 7 days for processing of the CAPPS requisition

Section 3.12 – Procurement Cards

Policy

The Texas Water Development Board procurement card program is for the use of purchases of \$5,000 or less. With written approval from the Director of Procurement and Contract Services, credit card purchases up to \$10,000 may be made, on a case-by-case basis. The purpose of the procurement card program is not intended to circumvent purchasing requirements, but rather to provide an efficient, cost-effective method of payment of transactions. The procurement card is only to be used by TWDB employees for official business only. Purchases made with the procurement card must be done in accordance with all state purchasing laws.

Purpose

To provide the TWDB with payment flexibility on an as need basis and in compliance with rules established by the CPA.

Procedure

Responsibilities

The TWDB is financially liable for all expenses incurred using procurement cards. Use of the agency's procurement card for purposes not authorized by the TWDB or negligence in securing the card, is strictly prohibited, and may be considered misappropriation of state funds. This could result in:

- 1) Immediate and irrevocable forfeiture of the procurement card
- 2) An official reprimand
- 3) Reimbursement to the State, and/or
- 4) Additional disciplinary action up to and including termination of employment

The agency has a designated Credit Card Administrator (Director or Purchasing Department Manager) to manage the procurement card program. Within the program areas of the TWDB, Division Directors are responsible and accountable for all cards used within their area of responsibility, if applicable. Card users are responsible for following all the TWDB procurement policies and procedures when using the procurement card.

The Procurement and Contract Services Division will monitor credit card purchases for compliance with procurement policies and procedures.

Approved Credit Card Uses

Examples of eligible procurement card purchases include:

- 1) Conference registrations
- 2) Membership fees
- 3) Online training courses
- 4) Emergency purchases or other unanticipated urgent purchases for field staff¹
- 5) Vendors that will not accept checks or wire transfers

Purchases outside of the approved credit card use parameters will be reviewed on an as needed, case-by-case basis, with the Purchasing Department Manager and Procurement and Contract Services Director.

Delegating

Purchasing staff may delegate use of the procurement card to another employee. Before taking possession of the card, the delegated individual must sign a Procurement Card Delegated Purchase Authority Form. Completing the form indicates the delegated employee accepts full responsibility for the proper use of the procurement card and accountability for purchases made while in possession of the procurement card.

Lost, Stolen, or Hacked Cards

In the event a card is lost, stolen, or hacked, the employee must notify their manager and the Credit Card Administrator within 24 hours of discovery. This will allow the Credit Card Administrator to cancel the card, report the date of the incident including the dollar amount of the transaction, and any other requirements made by the card issuer. Employees may be held responsible for situations deemed to be negligent.

Making a Purchase

The procurement card can be used with vendors that accept MasterCard as a form of payment. Other than emergency purchases and extenuating circumstances, the requester must complete a fully approved requisition, received by Purchasing staff, prior to the request to use the procurement card for a purchase.

When an end-user determines a need to use the procurement card, he/she must first work with Purchasing staff to ensure the requested item is not available via State Contract, WorkQuest, or Texas Correctional Industries; and, that the item is authorized to be purchased using a procurement card and is within the designated procurement card policy spending limit. The Purchaser will run all required vendor checks necessary to make a purchase. It is important to note the Purchaser is not authorizing the expenditure of funds when giving the approval to make the purchase. The approval is solely based on the validity of the use of the procurement card for the purchase and with the vendor indicated by the requester.

After a purchaser confirms the purchase request is valid, the purchaser or other designated personnel will receive approval via email and may proceed with the purchase. Taxes cannot be paid on any purchase. A Tax Exemption Certificate can be provided should the vendor require one. Any purchase made with the procurement card that is not properly authorized will result in disciplinary action (see Responsibilities). Once the purchase is made, the card user will keep all original receipts and submit them to Purchasing.

Returning a Purchase

If a situation arises where an item needs to be returned, please notify Purchasing staff. Prior authorization from the vendor is required in most cases to return any goods received by the TWDB.

Field Office Issued Cards for Emergency Purchases – For Staff with Primary Work Locations Outside of Austin

In addition to the general requirements of the Procurement Card Policy, select individuals in other program areas may be designated as Purchasing Liaisons and may have an assigned procurement card in their possession for usage in emergency situations, where Purchasing staff cannot be reached. These individuals must obtain certifications as a Certified Texas Contract Manager and Certified Texas Contract Developer through the Comptroller of Public Accounts. They must also understand there are clear rules on what constitutes an emergency purchase.

Emergency purchases occur as the result of unforeseeable circumstances and may require an immediate response to avert an actual or potential public threat to life, health, safety, welfare, or property or to avoid undue additional cost to the State of Texas. These individuals may make emergency purchases utilizing the procurement card for goods of \$500 or less without an approved requisition. Purchases must meet the following criteria:

Purchases must meet the following criteria:

- 1) Be \$500 or less;
- 2) Be needed due to unforeseeable circumstances;
- 3) Require an immediate response;
- 4) Be needed to avert an actual or potential public threat to life, health, safety, welfare, or property or to avoid undue additional cost to the State of Texas; and
- 5) Not listed as a restricted expenditure in accordance with State of Texas laws. See guidance from the [Comptroller of Public Account's eXpendit site on restricted expenditures](#)

Contact the TWDB Purchasing Team immediately to run required vendor checks upon processing the purchase.

The following is required from the delegated Field Staff purchaser **within two (2) business days** of making an emergency purchase:

- 1) Notification to their manager and the designated Credit Card Administrator
- 2) Submission of the requisition in CAPPs-Financials to document that the expenditures are consistent with Purchasing Policies and Procedures.
- 3) Attach the receipt and brief explanation of the purchase, with adequate justification on how each of the required criteria were met.
- 4) The documentation must be signed by the program area Purchaser and their manager, for the Credit Card Administrator's records in reconciling the credit card statements at the end of the month.

Field purchases exceeding \$500 require an approved requisition and will follow standard agency procurement processes, or coordination with Purchasing staff to complete the necessary steps prior to issuing the credit card payment.²

Procurement Card Misuse and Violation of Policy

Employees who fail to adhere to this policy may face disciplinary action up to and including termination of employment, at the discretion of the Executive Administrator.

Contact the Procurement and Contract Services Director for additional instructions or guidance regarding this policy.

Chapter 4 – Bidding Requirements

Section 4.1 – Bidding Category Requirements

Policy

The TWDB will maintain and follow bidding requirements that are consistent with the [State of Texas Procurement and Contract Management Guide](#).

Purpose

This policy ensures that the TWDB practices are compliant with the [State of Texas Procurement and Contract Management Guide](#) for Delegated Purchases.

Procedure

The Purchasing Team utilizes vendors from the CMBL for soliciting bids for all procurements. Regardless of cost, the Purchasing Team always seeks HUB participation in each procurement. Below is the cost breakdown for each bidding category requirement:

Amount: \$0.00 to \$10,000.00

Product or Service	Method Used
Commodities	Non-Competitive with good faith effort for HUB participation
Services	
Direct Publications	
Perishable Goods	
Distributor	
Fuel, Oil and Grease	
Emergencies	

Amount: \$10,000.01 to \$25,000.00

Product or Service	Method Used
Commodities	A minimum of three Competitive Open Market Informal Bids, two of which must be current Texas-certified HUB's
Services	
Direct Publications	Direct Publication – Standard Publication must be present in Purchasing File
Perishable Goods	A minimum of three Competitive Open Market Informal Bids, two of which must be current Texas-certified HUB's

Amount: \$25,000.01 to \$100,000.00

Product or Service	Method Used
Commodities	Non-Delegated – SPD Non-Delegated Purchases include set aside programs and Term Contracts, i.e. TxSmartBuy, TCI, etc. Open Market Requisition (OMR) Form required to be submitted to CPA for delegation of authority approval for commodities over \$50,000
Services	Competitive – Open Market formal bids with good faith effort for HUB participation. OMR Form required to be submitted to CPA for delegation of authority approval for services over \$100,000
Direct Publications	Direct Publication – Standard Publication must be present in Purchasing File
Perishable Goods	Competitive – Open Market formal bids with good faith effort for HUB participation
Distributor	
Fuel, Oil and Grease	
Emergencies	

Amount: Over \$100,000.00

Product or Service	Method Used
Commodities	Non-Delegated – SPD Non-Delegated Purchases include set aside programs and Term Contracts, i.e. TxSmartBuy, TCI, etc. . OMR Form required to be submitted to CPA for delegation of authority approval
Services	Non-Delegated – SPD may conduct formal bidding or delegate to agency. OMR Form required to be submitted to CPA for delegation of authority approval
Direct Publications	Direct Publication – Standard Publication must be present in Purchasing File
Perishable Goods	Competitive – Open Market formal bids with good faith effort for HUB participation
Distributor	
Fuel, Oil and Grease	
Emergencies	

DIR Procurement thresholds

Contract Value	# of Vendors
Up to \$50,000	State Agencies may directly award a contract to DIR Cooperative Contracts vendor(s) or reseller(s) in the category to which the contract relates.
Over \$50,000 but not exceeding \$1 Million	State Agencies must submit a request for pricing to at least three (3) DIR vendors or resellers in the category to which the contract relates.
Over \$1 Million but not exceeding \$5 Million	State Agencies must submit a request for pricing to at least six (6) DIR vendors or resellers in the category to which the contract relates.
Over \$5 Million but not exceeding \$10 Million	State Agencies have the option to enter into a contract through the DIR Cooperative Contracts program. If using DIR contracts, state agencies must submit a request for pricing to at least six (6) DIR vendors or resellers in the category to which the contract relates.
Over \$10 Million	May not enter into a contract through the DIR cooperative contracts program to purchase a commodity item

Approximate Timeline for Processing

Procured items and services may take up to the specified times listed below:

Procurement Method	Time Required (in business days)
Non – Competitive	Up to 7 days
Competitive – Informal	Up to 10 days
Competitive – Formal	30 to 60 days
Non-Delegated	60 to 90 days
DIR SOW's	90 to 120 days

Section 4.2 – Bid Submissions and Awards

Policy

The TWDB shall establish procedures for bid submissions and awards that are consistent with the [State of Texas Procurement and Contract Management Guide](#).

Process

To ensure standard practices are in place that secure proper bids and awards – the result of which is an award that provides best value to the TWDB and a fair competition for the vendor community.

Procedure

Bid Submissions

- 1) The assigned Contract Specialist will record each proposal submitted to the TWDB via Bid Room email, submitted in person or other delivery method in the TWDB PCS Bid Tabulation. The Contract Specialist will review the TWDB PCS Response Catalog with the Purchasing Manager to determine proposal eligibility. Once eligibility is determined, the Purchasing Manager will sign and the TWDB PCS Bid Tabulation will be placed in the procurement file and stored on the server in accordance with record retention rules for the procurement.
- 2) A bidder may withdraw its bid by written request at any time prior to the bid opening date and time.
- 3) A bid received after the date and time established by the bid invitation is considered a late bid. The bid will not be considered and will be returned to the bidder, unopened.
- 4) In many cases, bids may be submitted electronically by f or email. Specific details on acceptable methods for bid submissions are provided with each bid invitation.
- 5) An unsigned bid is not valid and will be disqualified.
- 6) For certain bid submissions, such as construction-related bids, a bidder may request that bids be read aloud during the bid opening. This request must be made in person at the time of the opening.

Bid Evaluation and Award

- 1) The TWDB or CPA may accept or reject any bid or any part of a bid if doing so would be in the state's best interest.
- 2) A bid price cannot be altered or amended after bids are opened except to correct mathematical errors in extension.
- 3) No increase in price will be considered after a bid is opened. A voluntary price reduction can be accepted from the awarded vendor after the bid award.
- 4) Bid prices are considered firm for acceptance for 30 days from the bid opening date and 60 days for open market, unless otherwise specified by the bidder on the Invitation for Bid.

- 5) All bids must be based on “free on board” destination delivery term unless otherwise specified.
- 6) When brand names are specified, bids on alternate brands will be considered if they meet specification requirements, unless advertised under [Government Code Title 10, Section 2155.067](#) – Proprietary Purchases.
- 7) All awards shall be made to the bidder submitting the lowest best bid conforming to the advertised specifications. In determining who is the lowest and best bidder, in addition to price, the CPA or the TWDB shall consider and evaluate the factor set out in TGC, Title 10, Subtitle 10, Chapters 2151-2176.
- 8) In the event of any tie bids, please refer to the [State of Texas Procurement and Contract Management Guide](#) for more information.

Section 4.3 – Bid Protest

Policy

The TWDB shall establish a bid protest procedure for the vendor community that is consistent with the [State of Texas Procurement and Contract Management Guide](#).

Purpose

To ensure that the TWDB has procedures for resolving vendor protests relating to purchasing issues.

Procedures

In the event that an actual or prospective bidder file a protest regarding the TWDB's procurement process, the aggrieved person must prepare his or her complaint in writing and send it to the Chief Financial Officer (CFO) of the Finance Division at the TWDB. Such protests must be submitted and received by the CFO within ten (10) working days after such aggrieved person knows, or should have known, of the occurrence of the action which is being protested. In the event of a timely protest, the TWDB shall not proceed further with the solicitation or award of the contract unless it is determined that the award must take place without delay, to protect the best interests of the TWDB.

A formal protest must be sworn and contain:

- 1) a specific identification of the statutory or regulatory provision that the protesting party alleges has been violated
- 2) a specific description of each action by the TWDB that the protesting party alleges to be a violation of the statutory or regulatory provision
- 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 that the protesting party offers in support of the protest
- 6) a statement that copies of the protest have been mailed or delivered to the using agency and all other identifiable interested parties

The CFO in consultation with the TWDB General Counsel, shall have the authority, prior to appeal to the Executive Administrator, to settle and resolve the dispute concerning the solicitation or award of a contract. The CFO may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement with the aggrieved party and the agency, the CFO will issue a written determination of the protest for the following:

- 1) If the CFO, with assistance from the agency General Counsel, determines that no violation of rules or statutes has occurred, the protesting party and other interested

- parties will be informed of the decision by letter. The reasons for the determination will also be presented in the letter.
- 2) If the CFO, with assistance from the agency General Counsel, determine that a violation of rules and statutes has occurred prior to the award of the contract, the protesting party and other interested parties will be informed of the determination. The agency will prepare new bid specifications and will re-advertise.
 - 3) If the CFO, with assistance from the agency General Counsel, determines that a violation of rules and statutes has occurred after the award of the contract, the protesting party and other interested parties will be informed of the determination. However, the awarded contract will not be canceled. As needed, corrective actions may be taken with purchasing or any other pertinent TWDB staff.

Any written decisions by the CFO shall be the final administrative action for the agency.

All documentation pertaining to a protest will be kept on file at the agency and are subject to open records requests.