

TexBuy EDGAR Federal / State Compliance Information

(1) Compliance Methods of Procurement Followed

TexBuy understands that it must follow the same state and federal procurement laws that would apply if a local education agency (LEA) or other governmental agency made the procurement themselves along with the appeals process and ensuring adequate, full and open competition, which is accomplished with the procedures below:

- TexBuy's method of purchasing consists of competitive bidding or competitive sealed proposals for its solicitations.
- TexBuy advertises their bids once a week for a minimum of two consecutive weeks in compliance with Texas Education Code §44.031 and posts a notification on the TexBuy website.
- Advertisements are followed up by a reasonable period of time for vendor responses.
- Appropriate criteria and weights consistent with Texas Education Code §44.031 and EDGAR (2CFR §200.320) are published in each solicitation.
- All TexBuy solicitations and contracts are received, evaluated and awarded using methods that comply with requirements as set forth in Texas Education Code §44.031 and EDGAR (2 CFR §200.320).

By following the most restrictive State and Federal procurement laws and soliciting multiple vendors to respond to solicitations, TexBuy members comply with the EDGAR (2CFR §200.320) allowed micro-purchase (below \$3500) and small purchase (\$3500 to \$49,999) requirements when using TexBuy contracts.

(2) EDGAR Contract Cost and Price Requirement

The Non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold, currently at \$150,000, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the Non-Federal entity must make independent estimates before receiving bids or proposals.

- TexBuy is unable to know when Members are using Federal money or when they are going to make purchases in excess of the Simplified Acquisition Threshold. The Member will need to conduct their own cost and price analysis and negotiate profit as a separate element of the price for each contract in accordance with EDGAR (2CFR §200.323).

(3) EDGAR Competition Requirement

- TexBuy conducts procurement transactions in a manner providing full and open competition. TexBuy excludes contractors that develop or draft specifications, requirements, and statements

of work, for its request for proposals from competing for such procurements. Furthermore, TexBuy does not place unreasonable requirements on firms in order for them to qualify to do business, require unnecessary expensive and excessive bonding, or specify only a brand name instead of allowing “an equal” product to be offered in accordance with EDGAR (2CFR §200.319).

- TexBuy’s solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. The descriptions do not contain features which unduly restrict competition and include all requirements which the offerors must fulfill and all other factors to be used in evaluating proposals.
- TexBuy ensures that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

(4) EDGAR General Procurement Standards

- TexBuy follows its documented procurement standards which reflect applicable State and Local regulations as they conform to EDGAR (2CFR §200.318).
- TexBuy maintains oversight of contracts to ensure that contractors perform in accordance with the Terms, Conditions, and Specifications of their contract.
- TexBuy follows written standards of conduct covering Conflicts of Interest and governing actions of its employees engaged in the selection, award, and administration of contracts.
- TexBuy awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. TexBuy gives consideration to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

TexBuy maintains records including the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(5) EDGAR Contracting with Small and Minority Businesses, Women’s Business Enterprises (WBE), and Labor Surplus Area Firms

- TexBuy encourages and solicits Historically Underutilized Businesses (HUB) in accordance with EDGAR (2CFR §200.321).
- Prospective vendors are kept in a database and are matched to current solicitations assuring that small and minority businesses, and WBE’s are solicited whenever they are potential sources.
- TexBuy notes which vendors qualify for HUB and WBE on their website.
- TexBuy now requires prime contractors that use subcontractors to actively pursue small and minority businesses, and WBE’s.

(6) Bonding Requirements

TexBuy does not require performance and payment bonds or bid guarantees as part of their construction or facility improvement contracts, EDGAR (2CFR §200.325). It is necessary for the member to obtain these bonds based on their particular contract needs and requirements.