

2022–23 BIENNIUM CONTRACT MANAGEMENT AND OVERSIGHT SUMMARY REPORT

Submitted by Legislative Budget Board Staff in response to provisions of the Eighty-seventh Legislature, General Appropriations Act, 2022–23 Biennium, Article IX, Section 17.09(f) December 2023

REPORT REQUIREMENTS AND METHODOLOGY

The Eighty-seventh Legislature, General Appropriations Act, 2022–23 Biennium, Article IX, Section 17.09(f), requires agencies and institutions of higher education that receive appropriations to provide an annual report to the Legislative Budget Board (LBB) and the Office of the Governor that details the actions conducted to ensure compliance with state procurement requirements. The LBB’s Contract Oversight Team surveyed state leaders and finance directors each fiscal year to facilitate compliance with this requirement. The questionnaires asked state entities to report the compliance actions that they conducted from the following common practices:

- conducted internal trainings;
- attended external trainings;
- obtained certifications for procurement personnel;
- increased the number of or reorganized procurement personnel;
- dedicated more funding to contract compliance;
- hired consultants;
- increased management involvement;
- communicated with oversight entities;
- studied best practices from other organizations; and
- revised contracting manual and procedures.

This report is a summary of activities performed during the biennium, and the data represents whether a state entity reported utilizing a compliance method at least once during either fiscal year. **Appendix A** shows all state entities’ responses regarding these 10 actions. In addition, the questionnaire enabled state entities to include additional comments regarding compliance actions and to report the most effective compliance measures in optional fields. During the 2022–23 biennium, LBB staff received responses from 156 individual state entities.

KEY FINDINGS

- ◆ The most utilized compliance action, reported by 87.2 percent of respondents, was obtaining certifications for procurement personnel. The next most reported action, at 82.7 percent, was conducting internal trainings.
- ◆ The least used compliance action, reported by 10.9 percent of respondents, was hiring consultants.
- ◆ The 25 largest state entities, based on the combined value of contracts awarded, were more likely than smaller state entities to conduct each compliance action. This group of entities awarded a combined total contract value of more than \$41.0 billion during fiscal years 2022 and 2023, which represents more than 84.0 percent of the total amount contracted by state entities during that period.
- ◆ The questionnaire responses indicate that most state entities are considering procurement requirements seriously and conducting actions proactively to ensure compliance.

ANALYSIS OF ALL RESPONDENTS

The average respondent reported conducting 6.5 of the 10 listed compliance actions during the biennium. Obtaining certifications for procurement personnel, conducting internal trainings, and attending external trainings were the most commonly reported compliance actions. At least 50.0 percent of respondents utilized eight of the 10 compliance actions. The least reported actions conducted by agencies were dedicating more funding to contract compliance (34.6 percent) and

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hiring consultants (10.9 percent). **Figure 1** shows how many state entities reported the completion of each compliance action.

FIGURE 1
TOTAL AFFIRMATIVE RESPONSES BY COMPLIANCE ACTION AS REPORTED BY STATE ENTITIES PURSUANT TO THE EIGHTY-SEVENTH LEGISLATURE, GENERAL APPROPRIATIONS ACT, 2022–23 BIENNIUM, ARTICLE IX, SECTION 17.09(F)

ACTION	AFFIRMATIVE RESPONSES (156 RESPONDING ENTITIES)	PERCENTAGE
Certifications	136	87.2%
Internal Trainings	129	82.7%
External Trainings	127	81.4%
Studied Best Practices	122	78.2%
Communicated with Oversight Entities	118	75.6%
Increased Management Involvement	116	74.4%
Revised Contracting Manual or Procedures	108	69.2%
Increased or Reorganized Personnel	92	59.0%
Dedicated More Funding	54	34.6%
Hired Consultants	17	10.9%

SOURCE: Legislative Budget Board.

ANALYSIS OF THE 25 LARGEST STATE ENTITIES

The top 25 state entities, based on total contracted amounts during fiscal years 2022 and 2023, were more likely to report conducting each compliance action than were the remaining 131 respondents. Seven of the top 25 entities reported conducting all 10 compliance actions, and 21 reported conducting at least seven actions. The average number of compliance actions conducted by a top-25 entity was 8.3, compared to 6.2 for all other respondents.

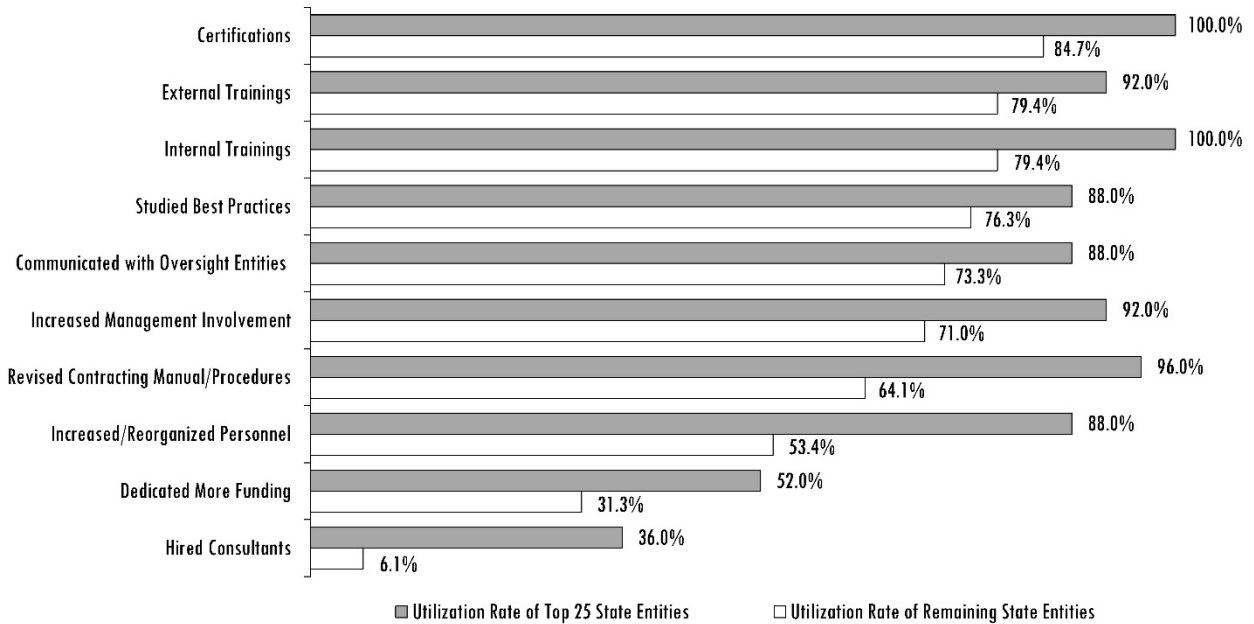
These 25 entities awarded more than 84.0 percent of all state contracts, based on combined value, during fiscal years 2022 and 2023.

Figure 2 shows the utilization rate of each compliance action by the top 25 entities compared to the remaining respondents. **Appendix B** shows the top 25 entities and their responses.

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FIGURE 2
UTILIZATION RATE OF COMPLIANCE ACTIONS BY TOP 25 STATE ENTITIES COMPARED TO REMAINING RESPONDENTS
2022–23 BIENNIUM



SOURCE: Legislative Budget Board.

ANALYSIS OF OPTIONAL RESPONSES

Responding agencies had the option to include other compliance actions conducted in addition to the 10 actions shown in the questionnaire. The agencies could indicate which actions had been most effective in ensuring compliance with state procurement requirements. Of the 156 respondents, 126 provided input on at least one of these questions. Many respondents used these fields to provide more context about their responses (e.g., describing how they increased management involvement or reorganized procurement personnel). The LBB’s Contracts Oversight Team will use this information internally to better understand agencies’ procurement practices, and the responses are available upon request.

Some overall themes emerged in agencies’ responses to these open-ended questions. Among the responses, 54 agencies provided details on procurement-related trainings, and 38 agencies reported using software to assist procurement processes. These responses indicate that agencies are considering procurement requirements seriously and conducting actions proactively to ensure compliance.

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APPENDIX A – STATE AGENCY ACTIONS REPORTED TO ENSURE COMPLIANCE WITH STATE PROCUREMENT REQUIREMENTS

AGENCIES BY NUMBER	ATTENDED EXTERNAL TRAININGS	CERTIFICATIONS FOR PROCUREMENT PERSONNEL	COMMUNICATED WITH OVERSIGHT ENTITIES	CONDUCTED INTERNAL TRAININGS	DEDICATED MORE MONEY TO CONTRACT COMPLIANCE	HIRED CONSULTANTS	INCREASED MANAGEMENT INVOLVEMENT	INCREASED OR REORGANIZED PROCUREMENT PERSONNEL	REVISED CONTRACTING MANUAL AND PROCEDURES	STUDIED BEST PRACTICES FROM OTHER ORGANIZATIONS
201 – Supreme Court of Texas	X	X	X				X			
211 – Court of Criminal Appeals	X		X							X
212 – Office of Court Administration	X	X	X		X		X			X
221 – First Court of Appeals District, Houston (1)		X	X	X			X	X	X	X
222 – Second Court of Appeals District, Fort Worth	X	X		X			X		X	
223 – Third Court of Appeals District, Austin				X						
224 – Fourth Court of Appeals District, San Antonio			X				X			X
225 – Fifth Court of Appeals District, Dallas (1)	X	X								
226 – Sixth Court of Appeals District, Texarkana										
227 – Seventh Court of Appeals District, Amarillo (1)										
228 – Eighth Court of Appeals District, El Paso				X			X	X		X
229 – Ninth Court of Appeals District, Beaumont										
230 – Tenth Court of Appeals District, Waco			X				X			
231 – Eleventh Court of Appeals District, Eastland	X		X				X			X
232 – Twelfth Court of Appeals District, Tyler										
233 – Thirteenth Court of Appeals District, Corpus Christi	X		X							X
234 – Fourteenth Court of Appeals District, Houston (1)		X	X	X			X	X	X	X
242 – State Commission on Judicial Conduct		X	X						X	X
243 – State Law Library										

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300 – Trusteed Programs within the Office of the Governor	X	X	X	X	X		X	X		X
301 – Office of the Governor	X	X	X	X	X		X	X		X
302 – Office of the Attorney General	X	X	X	X					X	X
303 – Texas Facilities Commission (1)	X	X		X			X		X	
304 – Comptroller of Public Accounts (1)	X	X	X	X			X		X	
305 – General Land Office	X	X	X	X			X	X	X	X
306 – Texas State Library and Archives Commission	X	X	X	X	X		X	X	X	X
307 – Secretary of State	X	X	X	X	X	X	X	X	X	X
312 – State Securities Board	X	X	X	X			X		X	X
313 – Department of Information Resources (1)	X	X	X	X	X	X	X	X	X	X
320 – Texas Workforce Commission	X	X	X	X	X		X	X	X	X
323 – Teacher Retirement System of Texas	X	X	X	X	X		X	X	X	X
326 – Texas Emergency Services Retirement System (1)	X	X	X			X				X
327 – Employees Retirement System of Texas	X	X	X	X		X	X	X	X	X
332 – Texas Department of Housing and Community Affairs	X	X	X	X			X	X	X	X
338 – State Pension Review Board		X		X				X	X	
347 – Texas Public Finance Authority	X	X	X	X			X			
352 – Bond Review Board (1)	X		X	X			X	X		X
356 – Texas Ethics Commission	X	X	X						X	
359 – Office of Public Insurance Counsel		X		X			X		X	

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360 – State Office of Administrative Hearings	X	X	X	X			X		X	X
362 – Texas Lottery Commission	X	X	X	X			X	X	X	
401 – Texas Military Department		X	X	X			X	X	X	X
403 – Texas Veterans Commission (1)	X	X	X	X	X		X	X	X	X
405 – Department of Public Safety	X	X	X	X	X		X	X	X	X
407 – Texas Commission on Law Enforcement	X	X	X		X		X	X		X
409 – Commission on Jail Standards	X	X	X	X			X		X	X
411 – Texas Commission on Fire Protection	X	X	X	X			X	X		X
448 – Office of Injured Employee Counsel	X	X	X	X			X	X	X	X
452 – Texas Department of Licensing and Regulation	X	X	X	X			X	X	X	X
454 – Texas Department of Insurance	X	X	X	X			X	X	X	X
455 – Railroad Commission of Texas	X	X	X	X	X		X	X	X	X
456 – Texas State Board of Plumbing Examiners	X	X	X	X			X	X	X	X
458 – Texas Alcoholic Beverage Commission	X	X	X	X	X		X	X	X	X
460 – Texas Board of Professional Engineers and Land Surveyors	X	X	X				X			X
473 – Public Utility Commission of Texas	X	X	X	X					X	
475 – Office of Public Utility Counsel	X	X	X	X				X	X	X
476 – Texas Racing Commission	X	X		X			X			X
477 – Commission on State Emergency Communication (1)				X	X		X	X	X	X
479 – State Office of Risk Management	X	X		X	X		X	X		X

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481 – Texas Board of Professional Geoscientists			X				X			X
503 – Texas Medical Board	X	X	X	X			X		X	X
504 – Texas State Board of Dental Examiners	X	X	X				X	X		
506 – University of Texas M.D. Anderson Cancer Center (1)	X	X	X	X	X	X	X	X	X	X
507 – Board of Nursing	X	X	X	X				X	X	
508 – Texas Board of Chiropractic Examiners	X	X								
510 – Texas Behavioral Health Executive Council	X	X	X				X		X	X
513 – Texas Funeral Service Commission				X				X		
514 – Texas Optometry Board			X				X			X
515 – Texas State Board of Pharmacy	X	X		X					X	X
529 – Health and Human Services Commission	X	X	X	X	X	X	X	X	X	X
530 – Department of Family and Protective Services	X	X	X	X	X	X	X	X	X	X
533 – Executive Council of Physical and Occupational Therapy Examiners	X	X	X				X	X	X	X
537 – Department of State Health Services	X	X	X	X	X	X	X	X	X	X
542 – Cancer Prevention and Research Institute of Texas	X	X	X	X					X	X
544 – Texas Civil Commitment Office	X	X	X	X			X		X	X
551 – Texas Department of Agriculture	X	X	X	X			X	X	X	X
554 – Texas Animal Health Commission	X	X		X			X	X	X	X
555 – Texas A&M AgriLife Extension Service	X	X	X	X				X		X
556 – Texas A&M AgriLife Research	X	X	X	X				X		X

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557 – Texas A&M Veterinary Medical Diagnostic Laboratory	X	X	X	X				X		X
575 – Texas Division of Emergency Management	X	X	X	X			X	X	X	X
576 – Texas A&M Forest Service	X	X		X					X	
578 – State Board of Veterinary Medical Examiners (1)	X						X	X		
580 – Texas Water Development Board	X	X	X	X	X	X	X	X	X	X
582 – Texas Commission on Environmental Quality		X	X	X			X	X	X	X
592 – State Soil and Water Conservation Board		X	X							
601 – Texas Department of Transportation	X	X	X	X			X	X	X	X
608 – Texas Department of Motor Vehicles	X	X	X	X			X	X	X	X
644 – Texas Juvenile Justice Department	X	X	X	X			X	X	X	X
696 – Texas Department of Criminal Justice	X	X	X	X			X	X	X	X
701 – Texas Education Agency	X	X	X	X	X	X	X	X	X	X
709 – Texas A&M University Health Science Center	X	X	X	X					X	X
710 – Texas A&M University System	X	X		X					X	X
711 – Texas A&M University	X	X	X	X					X	X
712 – Texas A&M Engineering Experiment Station	X	X	X	X			X		X	X
713 – Tarleton State University	X	X	X	X			X	X	X	X
714 – University of Texas at Arlington	X	X	X	X	X		X		X	X
715 – Prairie View A&M University	X	X	X	X	X		X	X		X
716 – Texas A&M Engineering Extension Service			X	X						X

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717 – Texas Southern University (1)	X	X	X	X	X	X	X	X	X	X
718 – Texas A&M University at Galveston	X	X	X	X					X	X
719 – Texas State Technical College System	X	X	X	X	X		X		X	X
720 – University of Texas System	X	X	X	X	X		X	X	X	X
721 – University of Texas at Austin	X	X	X	X	X	X	X	X	X	X
723 – University of Texas Medical Branch at Galveston	X	X	X	X			X	X	X	X
724 – University of Texas at El Paso	X	X	X	X	X	X			X	X
727 – Texas A&M Transportation Institute (1)	X	X	X	X	X		X	X	X	X
729 – University of Texas Southwestern Medical Center (1)	X	X	X	X	X		X	X	X	X
730 – University of Houston	X	X	X	X	X	X	X		X	X
731 – Texas Woman's University		X		X		X	X	X		X
732 – Texas A&M University – Kingsville	X	X	X	X			X	X	X	X
733 – Texas Tech University	X	X		X	X		X	X	X	X
734 – Lamar University	X	X	X	X			X	X	X	X
735 – Midwestern State University	X	X	X	X			X		X	X
737 – Angelo State University	X	X		X				X	X	X
738 – University of Texas at Dallas	X	X	X	X	X		X	X	X	X
739 – Texas Tech University Health Sciences Center	X	X		X				X		X
742 – University of Texas of the Permian Basin	X	X	X	X	X		X	X		X
743 – University of Texas at San Antonio	X	X	X	X	X		X	X		X

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744 – University of Texas Health Science Center at Houston	X	X	X	X	X	X	X	X	X	X
745 – University of Texas Health Science Center at San Antonio	X	X	X	X	X		X	X	X	X
746 – University of Texas Rio Grande Valley	X	X	X	X	X		X		X	X
749 – Texas A&M University – San Antonio	X	X		X			X	X		X
750 – University of Texas at Tyler (1)	X	X	X	X	X		X	X	X	X
751 – Texas A&M University – Commerce	X	X	X	X			X	X	X	X
752 – University of North Texas		X		X			X	X	X	
753 – Sam Houston State University	X	X	X	X			X		X	X
754 – Texas State University	X	X	X	X	X		X	X	X	X
755 – Stephen F. Austin State University	X	X	X	X	X		X	X	X	X
756 – Sul Ross State University	X	X	X	X			X		X	X
757 – West Texas A&M University	X	X	X	X	X			X	X	X
758 – Texas State University System	X	X	X	X					X	X
759 – University of Houston – Clear Lake	X	X	X	X			X		X	X
760 – Texas A&M University – Corpus Christi	X	X	X	X			X		X	X
761 – Texas A&M International University	X	X		X	X			X		X
763 – University of North Texas Health Science Center		X		X			X	X	X	
764 – Texas A&M University – Texarkana	X	X		X	X		X		X	
765 – University of Houston – Victoria		X	X	X	X		X	X	X	X
768 – Texas Tech University System Administration	X	X		X	X		X	X	X	X

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769 – University of North Texas System		X		X			X	X	X	
770 – Texas A&M University – Central Texas	X			X	X		X	X	X	X
771 – Texas School for the Blind and Visually Impaired (1)	X	X	X	X					X	
772 – Texas School for the Deaf	X	X	X	X			X		X	
773 – University of North Texas at Dallas		X		X			X	X	X	
774 – Texas Tech University Health Sciences Center at El Paso	X	X	X	X			X	X	X	X
781 – Texas Higher Education Coordinating Board	X	X		X	X			X		
783 – University of Houston System	X	X	X	X	X	X	X		X	X
784 – University of Houston – Downtown	X	X		X			X			
785 – University of Texas Health Science Center at Tyler (1)		X		X	X		X			X
787 – Lamar State College – Orange	X	X	X	X	X		X	X	X	X
788 – Lamar State College – Port Arthur	X	X	X	X	X		X	X	X	X
789 – Lamar Institute of Technology	X	X	X	X	X		X	X	X	X
802 – Parks and Wildlife Department	X	X	X	X			X	X	X	X
808 – Texas Historical Commission	X	X	X	X	X		X	X	X	X
809 – State Preservation Board	X	X	X							X
813 – Texas Commission on the Arts	X	X	X	X			X			X
Total	127	136	118	129	54	17	116	92	108	122

NOTE: (1) Agency data shown includes biennial responses submitted in fiscal year 2022.
SOURCE: Legislative Budget Board.

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APPENDIX B – RESPONSES OF TOP 25 STATE AGENCIES BY TOTAL CONTRACT VALUE REPORTING ACTIONS TO ENSURE COMPLIANCE WITH STATE PROCUREMENT REQUIREMENTS

AGENCIES IN ORDER OF TOTAL CONTRACT VALUE, HIGHEST TO LOWEST	ATTENDED EXTERNAL TRAININGS	CERTIFICATIONS FOR PROCUREMENT PERSONNEL	COMMUNICATED WITH OVERSIGHT ENTITIES	CONDUCTED INTERNAL TRAININGS	DEDICATED MORE MONEY TO CONTRACT COMPLIANCE	HIRED CONSULTANTS	INCREASED MANAGEMENT INVOLVEMENT	INCREASED OR REORGANIZED PROCUREMENT PERSONNEL	REVISED CONTRACTING MANUAL AND PROCEDURES	STUDIED BEST PRACTICES FROM OTHER ORGANIZATIONS
601 – Texas Department of Transportation	X	X	X	X			X	X	X	X
529 – Health and Human Services Commission	X	X	X	X	X	X	X	X	X	X
720 – University of Texas System Administration	X	X	X	X	X		X	X	X	X
305 – General Land Office	X	X	X	X			X	X	X	X
696 – Texas Department of Criminal Justice	X	X	X	X			X	X	X	X
320 – Texas Workforce Commission	X	X	X	X	X		X	X	X	X
710 – Texas A&M University System	X	X		X					X	X
530 – Department of Family and Protective Services	X	X	X	X	X	X	X	X	X	X
537 – Department of State Health Services	X	X	X	X	X	X	X	X	X	X
575 – Texas Division of Emergency Management	X	X	X	X			X	X	X	X
781 – Texas Higher Education Coordinating Board	X	X		X	X			X		
401 – Texas Military Department		X	X	X			X	X	X	X
701 – Texas Education Agency	X	X	X	X	X	X	X	X	X	X
405 – Department of Public Safety	X	X	X	X	X		X	X	X	X
723 – University of Texas Medical Branch at Galveston	X	X	X	X			X	X	X	X
582 – Texas Commission on Environmental Quality		X	X	X			X	X	X	X

2022–23 BIENNIUM CONTRACT MANAGEMENT AND OVERSIGHT SUMMARY REPORT

Submitted by Legislative Budget Board Staff in response to provisions of the Eighty-seventh Legislature, General Appropriations Act, 2022–23 Biennium, Article IX, Section 17.09(f) December 2023

AGENCIES IN ORDER OF TOTAL CONTRACT VALUE, HIGHEST TO LOWEST	ATTENDED EXTERNAL TRAININGS	CERTIFICATIONS FOR PROCUREMENT PERSONNEL	COMMUNICATED WITH OVERSIGHT ENTITIES	CONDUCTED INTERNAL TRAININGS	DEDICATED MORE MONEY TO CONTRACT COMPLIANCE	HIRED CONSULTANTS	INCREASED MANAGEMENT INVOLVEMENT	INCREASED OR REORGANIZED PROCUREMENT PERSONNEL	REVISED CONTRACTING MANUAL AND PROCEDURES	STUDIED BEST PRACTICES FROM OTHER ORGANIZATIONS
303 – Texas Facilities Commission (1)	X	X		X			X		X	
774 – Texas Tech University Health Sciences Center at El Paso	X	X	X	X			X	X	X	X
313 – Department of Information Resources (1)	X	X	X	X	X	X	X	X	X	X
362 – Texas Lottery Commission	X	X	X	X			X	X	X	
721 – University of Texas at Austin	X	X	X	X	X	X	X	X	X	X
744 – University of Texas Health Science Center at Houston	X	X	X	X	X	X	X	X	X	X
506 – University of Texas M.D. Anderson Cancer Center (1)	X	X	X	X	X	X	X	X	X	X
802 – Parks and Wildlife Department	X	X	X	X			X	X	X	X
730 – University of Houston	X	X	X	X	X	X	X		X	X
Total	23	25	22	25	13	9	23	22	24	22

NOTE: (1) Agency data shown includes biennial responses submitted in fiscal year 2022.

SOURCE: Legislative Budget Board.