

**DETAILED CONTRACT REPORTING REQUIREMENTS
2022–23 BIENNIUM**

MAJOR INFORMATION SYSTEMS CONTRACTS

State agencies are required to provide notice to the Legislative Budget Board (LBB) of a contract for a major information system¹ under the Information Resources Management Act.² The notice must be on a form prescribed by the LBB and filed no later than the tenth day after the date the agency enters into the contract.³

For the purposes of the Information Resources Management Act, “state agency” is defined as a department, commission, board, office, council, authority, or other agency in the executive or judicial branch of state government that is established by the constitution or a statute of this state, including a university system or institution of higher education.⁴

A "major information system" includes: one or more computers that in the aggregate cost more than \$100,000; a service related to computers, including computer software, that costs more than \$100,000; and a telecommunications apparatus or device that serves as a voice, data, or videocommunications network for transmitting, switching, routing, multiplexing, modulating, amplifying, or receiving signals on the network and costs more than \$100,000.⁵

LOTTERY DIVISION OF THE TEXAS LOTTERY COMMISSION

The planning and procurement requirements of the Information Resources Management Act do not apply to the Lottery division of the Texas Lottery Commission.⁶

INSTITUTIONS OF HIGHER EDUCATION

A university system or institution of higher education must provide written notice to the LBB of a contract for a major information system only if the cost of the system exceeds \$1.0 million pursuant to the Information Resources Management Act.⁷ The notice must be on a form prescribed by the LBB and filed not later than the tenth day after the date the agency enters into the contract.⁸

“Institution of higher education” is defined as any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education.⁹

However, the Information Resources Management Act does not apply to public junior colleges or a public junior college districts, except as necessary for participation in the electronic government project.¹⁰

1. The Texas Government Code, Section 2054.008(b).

2. The Information Resources Management Act is the short title for the Texas Government Code, Chapter 2054. The Texas Government Code, Section 2054.002.

3. The Texas Government Code, Section 2054.008(b).

4. The Texas Government Code, Section 2054.003(13).

5. The Texas Government Code, Section 2054.008(a).

6. The Texas Government Code, Section 2054.007.

7. The Texas Government Code, Section 2054.008(c).

8. The Texas Government Code, Section 2054.008(b).

9. The Texas Education Code, Section 61.003(8).
10. The Texas Government Code, Section 2054.0075.

EXCEPTIONS**Exception 1: Activities of the Texas Military Department**

The Texas Military Department¹¹ is exempt from the provisions of the Information Resources Management Act relating to the oversight of information resources and information resource manager provisions to the extent the National Guard Bureau and the U.S. Department of Defense provide information technology and communications to the department.¹²

Exception 2: State Preservation Board

The Information Resources Management Act does not apply to the State Preservation Board^{13,14}

Exception 3: Operation of the Lottery

The Information Resources Management Act does not apply to a contract for the acquisition or provision of facilities, supplies, equipment, materials, or services related to the operation of the lottery.¹⁵

Exception 4: Administering Assets of the Teacher Retirement System of Texas

The Information Resources Management Act does not apply to the Teacher Retirement System of Texas^{16,17}

Exception 5: Uniform Statewide Accounting

The Information Resources Management Act does not apply to contracts made under Subchapter C (Uniform Statewide Accounting), Chapter 2101 (Accounting Procedures), Government Code.¹⁸

11. The Texas Government Code, Section 437.001(3).

12. The Texas Government Code, Section 437.109(a).

13. The Texas Government Code, Section 443.001.

14. The Texas Government Code, Section 443.0231.

15. The Texas Government Code, Section 466.105(1).

16. The Texas Government Code, Section 821.001(14).

17. The Texas Government Code, Section 825.103(e).

18. The Texas Government Code, Section 2101.039(3).

CONSTRUCTION CONTRACTS

The following agencies and institutions are required to provide written notice to the LBB of a contract for a construction project if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$50,000 pursuant to provisions in the Texas Government Code relating to the building construction and acquisition and disposition of real property: the Texas Facilities Commission¹⁹; the Texas Department of Transportation²⁰; state institutions of higher education²¹; the Texas Department of Agriculture²²; the Texas Parks and Wildlife Department²³; the Texas Commission on Environmental Quality²⁴; the Texas Department of Housing and Community Affairs²⁵; the Texas Veterans' Land Board²⁶; the Texas Historical Commission²⁷; and the Texas Department of Criminal Justice²⁸. The notice is required to be on a form prescribed by the LBB and filed within 30 days of award.²⁹

For the purposes of the Texas Government Code, Chapter 2166, "state agency" is defined as a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or a state statute; the supreme court, the court of criminal appeals, a court of appeals, or the Texas Judicial Council; or a university system or an institution of higher education, except a public junior college.³⁰

"Project" means a building construction project that is financed wholly or partly by a specific appropriation, a bond issue, or federal money. The term includes the construction of: a building, structure, or appurtenant facility or utility, including the acquisition and installation of original equipment and original furnishings; and an addition to, or alteration, rehabilitation, or repair of, an existing building, structure, or appurtenant facility or utility.³¹

EXCEPTION 1: NOTICE ON YEAR 2000 PROJECT OFFICE WEBSITE

The Texas Government Code, Subtitle D, Title 10, does not apply to contracts for goods or services between the Department of Information Resources and private vendors that may be necessary or appropriate to the fulfillment of the requirements of the Texas Civil Practice and Remedies Code, Section 147.083 (Notice on Year 2000 Project Office Website).³²

EXCEPTION 2A: INSTITUTIONS OF HIGHER EDUCATION

Subject to certain exceptions, the Texas Government Code, Title 10, Subtitle D, does not apply to the acquisition of goods and services made pursuant to the Texas Education Code, Section 51.9335 (Acquisition of Goods and Services)³³, which authorizes an institution of higher education to acquire goods or services by the method that provides the best value.³⁴

19. The Texas Government Code, Section 2166.001(1-a).
20. The Texas Government Code, Section 2166.003(a)(1).
21. The Texas Government Code, Section 2166.003(a)(2).
22. The Texas Government Code, Section 2166.003(a)(3) and (c).
23. The Texas Government Code, Section 2166.003(a)(4).
24. The Texas Government Code, Section 2166.003(a)(8).
25. The Texas Government Code, Section 2166.003(a)(9).
26. The Texas Government Code, Section 2166.003(a)(10).
27. The Texas Government Code, Section 2166.003(a)(11).
28. The Texas Government Code, Section 2166.003(b).
29. The Texas Government Code, Section 2166.2551.
30. The Texas Government Code, Section 2151.002.
31. The Texas Government Code, Section 2166.001(4).
32. The Texas Civil Practice and Remedies Code, Section 147.083(f).

- 33. The Texas Education Code, Section 51.9335(d).
- 34. The Texas Education Code, Section 51.9335(a).

EXCEPTION 2B: COMPONENT INSTITUTIONS OF THE UNIVERSITY OF TEXAS AT HOUSTON

The Texas Government Code, Title 10, Subtitle D, does not apply to the purchase of goods and services made pursuant to the Texas Education Code, Section 73.115 (Acquisition of Goods and Services)³⁵, by a component institution of the University of Texas at Houston by the method that provides the best value to the institution.³⁶

EXCEPTION 2C: COMPONENT INSTITUTIONS OF THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

The Texas Government Code, Title 10, Subtitle D, does not apply to the purchase of goods and services made pursuant to the Texas Education Code, Section 74.008 (Acquisition of Goods or Services)³⁷, by a component institution of the University of Texas Medical Branch at Galveston by the method that provides the best value to the institution.³⁸

EXCEPTION 3: DISASTER RESERVISTS PURSUANT TO THE TEXAS DISASTER ACT, 1975

The Texas Government Code, Title 10, Subtitle D, does not apply to disaster reservists employed or contracted pursuant to the Texas Disaster Act, 1975³⁹, to support recovery operations in the aftermath of a disaster or major emergency.⁴⁰

EXCEPTION 4: STATE PRESERVATION BOARD

The Texas Government Code, Title 10, Subtitle D, does not apply to a purchase or lease pursuant to the Texas Government Code, Chapter 443 (State Preservation Board).⁴¹

EXCEPTION 5: TEXAS STATE HISTORY MUSEUM FUND

The Texas Government Code, Title 10, Subtitle D, does not apply to a purchase or lease made with funding from the Bob Bullock Texas State History Museum fund^{42,43}

EXCEPTION 6: OPERATION OF THE STATE LOTTERY

The Texas Government Code, Title 10, Subtitle D, does not apply to a contract for the acquisition or provision of facilities, supplies, equipment, materials, or services related to the operation of the state lottery system.⁴⁴

EXCEPTION 7: FOREIGN OFFICES MAINTAINED AND OPERATED BY THE TEXAS ECONOMIC DEVELOPMENT AND TOURISM OFFICE

No provision of Texas Government Code, Title 10, Subtitle D, except for Chapter 2175, applies to the operation and maintenance of foreign offices maintained by the Texas Economic Development and Tourism Office, or other authorized transactions relating to such foreign offices.⁴⁵

EXCEPTION 8: CERTAIN CONTRACTS RELATING TO THE EMPLOYEES RETIREMENT SYSTEM OF TEXAS

The Texas Government Code, Title 10, Subtitle D, does not apply to a contract between the board of trustees of the Employees Retirement System of Texas⁴⁶, or a third-party administrator approved by the board, and a vendor qualified to participate in a deferred compensation plan (the Texas Government Code, Section 609.505) or to a contract the board of trustees enters into for necessary goods and consolidated billing, accounting, and other services to be provided in connection with a deferred compensation plan (the Texas Government Code, Section 609.509).⁴⁷

35. The Texas Education Code, Section 73.115(f).

36. The Texas Education Code, Section 73.115(a).

37. The Texas Education Code, Section 74.008(g).

38. The Texas Education Code, Section 74.008(a).

39. The Texas Disaster Act of 1975 is the short title for the Texas Government Code, Chapter 418. The Texas Government Code, Section 418.001.

40. The Texas Government Code, Section 418.045(b).

41. The Texas Government Code, Section 443.023.

42. The Texas Government Code, Section 445.012(a).

43. The Texas Government Code, Section 445.012(f).

44. The Texas Government Code, Section 466.105(2).

45. The Texas Government Code, Section 481.027(e).

- 46. The Texas Government Code, Section 609.001(1).
- 47. The Texas Government Code, Section 609.510(1).

EXCEPTION 9: ADMINISTERING ASSETS OF THE TEACHER RETIREMENT SYSTEM OF TEXAS

Notwithstanding any other law, the Teacher Retirement System of Texas⁴⁸ has exclusive authority over the purchase of goods and services using money other than money appropriated from the general revenue fund, including specifically money from trusts under the administration of the retirement system, and the Texas Government Code, Title 10, Subtitle D, does not apply to the retirement system with respect to that money.⁴⁹

EXCEPTION 10: UNIFORM STATEWIDE ACCOUNTING

The Texas Government Code, Title 10, Subtitle D, does not apply to contracts made pursuant to the Texas Government Code, Subchapter C (Uniform Statewide Accounting), Section 2101(Accounting Procedures).⁵⁰

EXCEPTION 11: PUBLIC AND PRIVATE FACILITIES AND INFRASTRUCTURE

The Texas Government Code, Chapter 2166 (Building Construction and Acquisition and Disposition of Real Property), does not apply to a qualifying project pursuant to the Texas Government Code, Chapter 2267 (Public and Private Facilities and Infrastructure).⁵¹

“Qualifying project” means any ferry, mass transit facility, vehicle parking facility, port facility, power generation facility, fuel supply facility, oil or gas pipeline, water supply facility, public work, waste treatment facility, hospital, school, medical or nursing care facility, recreational facility, public building, technology facility, or other similar facility currently available or to be made available to a governmental entity for public use, including any structure, parking area, appurtenance, and other property required to operate the structure or facility and any technology infrastructure installed in the structure or facility that is essential to the project's purpose; or any improvements necessary or desirable to real property owned by a governmental entity.⁵²

EXCEPTION 12: TRUSTEES FOR NURSING OR CONVALESCENT HOMES

The Texas Government Code, Title 10, Subtitle D, does not apply to any payments made by a trustee pursuant to the Texas Health and Safety Code, Chapter 242 (Convalescent and Nursing Facilities and Related Institutions), Subchapter D (Trustees for Nursing or Convalescent Homes).⁵³

EXCEPTION 13: TELECOMMUNICATIONS FACILITIES

The Texas Government Code, Title 10, Subtitle D, does not apply to a procurement pursuant to the Texas Transportation Code, Chapter 202 (Control of Transportation Assets), Subchapter E (Telecommunications Facilities), relating to certain agreements between the Texas Department of Transportation⁵⁴ and telecommunications providers.⁵⁵

EXCEPTION 14: ERECTION AND MAINTENANCE OF SIGNS

The Texas Government Code, Title 10, Subtitle D, does not apply to purchases of goods and services pursuant to the Texas Transportation Code, Section 391.091 (Erection and Maintenance of Signs)⁵⁶, relating to contracts between the Texas Department of Transportation⁵⁷ and individuals, firms, groups, or associations in Texas to erect and maintain specific information logo signs and major shopping area guide signs at appropriate locations along an eligible highway.⁵⁸

48. The Texas Government Code, Section 821.001(14).

49. The Texas Government Code, Section 825.103(d).

50. The Texas Government Code, Section 2101.039(1).

51. The Texas Government Code, Section 2267.065.

52. The Texas Government Code, Section 2267.001(10).

53. The Texas Health and Safety Code, Section 242.099.

54. The Texas Transportation Code, Section 201.001(2).

55. The Texas Transportation Code, Section 202.095(a).

56. The Texas Transportation Code, Section 391.091(e).

57. The Texas Transportation Code, Section 201.001(2).

58. The Texas Transportation Code, Section 391.091(a).

EXCEPTION 15: PRIVATE NETWORK SERVICES

The Texas Government Code, Title 10, Subtitle D, does not apply to a contract entered into pursuant to the Texas Utilities Code, Chapter 58 (Incentive Regulation), Subchapter G (Infrastructure Commitment to Certain Entities), relating to private network services.⁵⁹

⁵⁹. The Texas Utilities Code, Section 58.255(d).

PROFESSIONAL AND CONSULTING SERVICES CONTRACTS

PROFESSIONAL SERVICES

A state agency, including an institution of higher education, is required to provide written notice to the LBB of a contract for professional services other than a contract for physician or optometric services, if the amount of the contract, including an amendment, modification, renewal, or extension of the contract exceeds \$50,000⁶⁰ pursuant to the Professional Services Procurement Act.⁶¹ The notice is required to be on a form prescribed by the LBB and filed within 30 days of award.⁶²

“Professional services” are defined as services: within the scope of the practice, as defined by state law, of: accounting; architecture; landscape architecture; land surveying; medicine; optometry; professional engineering; real estate appraising; or professional nursing. “Professional services” are also defined as services provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant; an architect; a landscape architect; a land surveyor; a physician, including a surgeon; an optometrist; a professional engineer; a state certified or state licensed real estate appraiser; or a registered nurse.⁶³

CONSULTING SERVICES

A state agency is required to provide written notice to the LBB of a contract for consulting services if the amount of the contract, including the amendment, modification, renewal, or extension of the contract, exceeds \$50,000. The notice is required to be on a form prescribed by the LBB and filed within 30 days of award.⁶⁴

Regarding consulting services, “state agency” is defined as a department, commission, board, office, or other agency in the executive branch of state government established by the state constitution or a state statute; the Supreme Court, the Court of Criminal Appeals, a Court of Appeals, or the Texas Judicial Council; or a university system or an institution of higher education, except a public junior college.⁶⁵

The reporting requirement for consulting services contracts (the Texas Government Code, Section 2254.0301(a)) does not apply to a university system or institution of higher education.⁶⁶

“University system” is defined as the association of one or more public senior colleges or universities, medical or dental units, or other agencies of higher education under the policy direction of a single governing board.⁶⁷

EXCEPTIONS

Exception 1: Institutions of Higher Education, including Public Junior Colleges

Subject to certain exceptions, the Texas Government Code, Chapter 2254, does not apply to the acquisition of goods and services pursuant to the Texas Education Code, Section 51.9335 (Acquisition of Goods and Services)⁶⁸, which authorizes an institution of higher education to acquire goods or services by the method that provides the best value.⁶⁹

60. The Texas Government Code, Section 2254.006.

61. The Professional Services Procurement Act is the short title for the Texas Government Code, Chapter 2254. The Texas Government Code, Section 2254.001.

62. The Texas Government Code, Section 2254.006.

63. The Texas Government Code, Section 2254.002(2).

64. The Texas Government Code, Section 2254.0301(a).

65. The Texas Government Code, Section 2254.021(5).66. The Texas Government Code, Section 2254.0301(b).

67. The Texas Education Code, Section 61.003(10).

68. The Texas Education Code, Section 51.9335(d).

69. The Texas Education Code, Section 51.9335(a).

Exception 2: Component Institutions of the University of Texas at Houston

The Texas Government Code, Chapter 2254, does not apply to the purchase of goods and services made pursuant to the Texas Education Code, Section 73.115 (Acquisition of Goods and Services)⁷⁰, by a component institution of the University of Texas at Houston by the method that provides the best value to the institution.⁷¹

Exception 3a: Regulatory Cooperation by the Banking Commissioner of Texas

The Texas Government Code, Chapter 2254, does not apply to a contract or agreement entered into pursuant to the Texas Finance Code, Section 151.105 (Regulatory Cooperation)⁷², relating to cooperation by the Banking Commissioner of Texas (or a person designated by the banking commissioner and acting under the banking commissioner's direction and authority)⁷³ with another state, federal, or foreign governmental agency⁷⁴, or organizations the membership is made up of state or federal agencies⁷⁵, to efficiently and effectively administer and enforce the Money Services Act⁷⁶.

Exception 3b: Regulatory Cooperation by the Banking Commissioner of Texas relating to Trust Companies

The Texas Government Code, Chapter 2254, does not apply to contracts entered into by the Banking Commissioner of Texas, to carry out the purpose of the Texas Finance Code, Subtitle F (Trust Companies), Chapter 187 (Multistate Trust Business), with another supervisory agency having concurrent regulatory or supervisory jurisdiction to engage the services of the agency for reasonable compensation to assist with the banking commissioner's performance of official duties under Subtitle F or other law, or to provide services to the agency for reasonable compensation in connection with the agency's performance of official duties under the law.⁷⁷

Exception 3c: Regulatory Cooperation by the Banking Commissioner of Texas relating to Bank Holding Companies and Interstate Bank Operations

The Texas Government Code, Chapter 2254, does not apply to contracts entered into by the Banking Commissioner of Texas, to the extent permitted by federal law, with another banking supervisory agency or functional regulatory agency having concurrent regulatory or supervisory jurisdiction to engage the services of the agency for reasonable compensation to assist in connection with the commissioner's performance of official duties pursuant to the Texas Finance Code, Subtitle G (Bank Holding Companies; Interstate Bank Operations), Chapter 201 (General Provisions), or other law, or to provide services to the agency for reasonable compensation in connection with the agency's performance of official duties under law.⁷⁸

Exception 4: Disaster Reservists Pursuant to the Texas Disaster Act, 1975

The Texas Government Code, Chapter 2254, does not apply to disaster reservists employed or contracted pursuant to the Texas Disaster Act, 1975⁷⁹, to support recovery operations in the aftermath of a disaster or major emergency.⁸⁰

Exception 5: Operation of the State Lottery

The Texas Government Code, Chapter 2254, does not apply to a contract for the acquisition or provision of facilities, supplies, equipment, materials, or services related to the operation of the state lottery system.⁸¹

70. The Texas Education Code, Section 73.115(f).

71. The Texas Education Code, Section 73.115(a).

72. The Texas Finance Code, Section 151.105(e).

73. The Texas Finance Code, Section 151.102(5).

74. The Texas Finance Code, Section 151.105(a).

75. The Texas Finance Code, Section 151.105(b)(1).

76. The Money Services Act is the short title for the Texas Finance Code, Chapter 151. The Texas Finance Code, Section 151.001.

77. The Texas Finance Code, Section 187.301(3).

78. The Texas Finance Code, Section 201.005(3).

79. The Texas Disaster Act, 1975, is the short title for the Texas Government Code, Chapter 418. The Texas Government Code, Section 418.001.

80. The Texas Government Code, Section 418.045(b).

81. The Texas Government Code, Section 466.105(1).

Exception 6: Certain Contracts Relating to the Employees Retirement System of Texas

The Texas Government Code, Chapter 2254, does not apply to a contract between the board of trustees of the Employees Retirement System of Texas⁸², or a third-party administrator approved by the board, and a vendor qualified to participate in a deferred compensation plan (the Texas Government Code, Section 609.505) or to a contract the board of trustees enters into for necessary goods and consolidated billing, accounting, and other services to be provided in connection with a deferred compensation plan (the Texas Government Code, Section 609.509).⁸³

Exception 7: Uniform Statewide Accounting

The Texas Government Code, Chapter 2254, does not apply to contracts made pursuant to the Texas Government Code, Chapter 2101 (Accounting Procedures), Subchapter C (Uniform Statewide Accounting).⁸⁴

Exception 8 (Applies Only to Consulting Services Contracts):

Honorarium Relating to the Cancer Prevention and Research Institute of Texas

The Texas Government Code, Chapter 2254 (Professional and Consulting Services), Subchapter B (Consulting Services), does not apply to an honorarium made to a member of a scientific research and programs committee pursuant to the Texas Health and Safety Code, Chapter 102 (Cancer Prevention and Research Institute of Texas).⁸⁵

Exception 9: Certain Purchases Made by the Board of Directors of the Nacogdoches County Hospital District

The Texas Government Code, Chapter 2254, does not apply to purchases of goods and services made by the board of directors of the Nacogdoches County Hospital District⁸⁶ pursuant to the Texas Special District Local Laws Code, Section 1069.106 (Purchasing and Accounting Procedures).⁸⁷

Exception 10a: Comprehensive Development Agreements Relating to Bids and Contracts for Highway Projects

The Texas Government Code, Chapter 2254, does not apply to a comprehensive development agreement entered into pursuant to the Texas Transportation Code, Chapter 223 (Bids and Contracts for Highway Projects), Subchapter E (Comprehensive Development Agreements).⁸⁸

Exception 10b: Comprehensive Development Agreements Pursuant to the Regional Tollway Authority Act⁸⁹

The Texas Government Code, Chapter 2254, does not apply a comprehensive development agreement entered into pursuant to the Texas Transportation Code, Chapter 366 (Regional Tollway Authorities), Subchapter H (Comprehensive Development Agreements).⁹⁰

Exception 10c: Comprehensive Development Agreements Pursuant to the Regional Mobility Authority Act⁹¹

The Texas Government Code, Chapter 2254, does not apply to a comprehensive development agreement entered into pursuant to the Texas Transportation Code, Section 370.305 (Comprehensive Development Agreements).⁹²

82. The Texas Government Code, Section 609.001(1).

83. The Texas Government Code, Section 609.510(3).

84. The Texas Government Code, Section 2101.039(2).

85. The Texas Health and Safety Code, Section 102.151(d).

86. The Texas Special District Local Laws Code, Section 1069.001(1), (3).

87. The Texas Special District Local Laws Code, Section 1069.106(f).

88. The Texas Transportation Code, Section 223.203(o).

89 The Regional Tollway Authority Act is the short title for the Texas Transportation Code, Chapter 366. The Texas Transportation Code, Section 366.001.

90. The Texas Transportation Code, Section 366.402(o).

91 The Regional Mobility Authority Act is the short title for the Texas Transportation Code, Chapter 370. The Texas Transportation Code, Section 370.001.

92. The Texas Transportation Code, Section 370.306(o).

GENERAL APPROPRIATIONS ACT, ARTICLE IX, SECTION 7.04

A state agency or institution of higher education is required to report to the LBB, in the manner prescribed by the LBB, contracts with expected values exceeding \$50,000, before the thirtieth calendar day after awarding such contracts or granting amendments, modifications, renewals or extensions with regards to such contracts.⁹³ This requirement does not apply to certain major information systems⁹⁴, construction⁹⁵, professional services⁹⁶, and consulting services⁹⁷ contracts that have to be reported to the LBB pursuant to the Texas Government Code.⁹⁸

The General Appropriations Act (GAA) does not apply to self-directed, semi-independent state agencies; the GAA applies only to state agencies and institutions of higher education receiving appropriations pursuant to the GAA.

GENERAL APPROPRIATIONS ACT, ARTICLE IX, SECTION 7.11

An agency or institution of higher education is prohibited from expending any funds to make payment on a contract until providing the LBB with notice prior to the date on which the first payment under the contract will be made, but no later than 30 calendar days after the date on which the contract is awarded if the value of the contract exceeds or may reasonably be expected to exceed \$10.0 million or \$1.0 million if the contract was awarded or made without issuing a request for proposal, request for bid, or other similar process common to participation in the competitive bidding processes as required by statute, rule, or ordinary and commonly recognized state policies and procedures.⁹⁹

An agency or institution of higher education that expends any funds to make payment on a contract that exceeds or may reasonably be expected to exceed \$1.0 million and that was made as a result of an emergency (i.e., such a contract must be necessary to avoid a hazard to life, health, safety or the welfare of humans, or to avoid hazard to property) or following an emergency procedure allowed by statute is required to provide the LBB with notice of such contract within five days of award.¹⁰⁰

Additionally, the GAA, Article IX, Section 7.11, requires that all agencies and institutions include the contract documents and solicitations as part of the attestation for all contracts exceeding \$10.0 million and all noncompetitive contracts of more than \$1.0 million. This provision has no exceptions.

The General Appropriations Act does not apply to self-directed, semi-independent state agencies; the GAA applies only to state agencies and institutions of higher education receiving appropriations pursuant to the GAA.

93. General Appropriations Act, Article IX, Section 7.04(d)

94. The Texas Government Code, Section 2054.008(a).

95. The Texas Government Code, Section 2166.2551.

96. The Texas Government Code, Section 2254.006.

97. The Texas Government Code, Section 2254.0301.

98. General Appropriations Act, Article IX, Section 7.04(b).

99. General Appropriations Act, Article IX, Section 7.11(b), (c).

100. General Appropriations Act, Article IX, Section 7.11(b), (c).