

2020 CONTRACT MANAGEMENT AND OVERSIGHT UPDATE REPORT

Submitted by Legislative Budget Board Staff as required by the Eighty-sixth Legislature, General Appropriations Act, 2020–21 Biennium, Article IX, Section 17.10(f)
December 2020

REPORT REQUIREMENTS AND METHODOLOGY

The Eighty-sixth Legislature, General Appropriations Act (GAA), 2020–21 Biennium, Article IX, Section 17.10(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 distributed a questionnaire to agency leaders and finance directors to facilitate agencies' compliance with this requirement. The questionnaire prompted agencies to indicate the compliance actions that they conducted during fiscal year 2020 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.

Appendix A shows all agencies' responses regarding these 10 actions. In addition, the questionnaire enabled agencies to include additional comments regarding compliance actions and to indicate the most effective compliance measures in optional fields. LBB staff received responses from 158 agencies, which represents a 90.8 percent response rate.¹

KEY FINDINGS

- ◆ Attending external trainings and increasing management involvement tied for the most commonly utilized compliance action, conducted at 84.2 percent of agencies. Obtaining certifications for procurement personnel was close behind at 81.6 percent.
- ◆ Hiring consultants was the least used compliance action, conducted at 12.0 percent of agencies.
- ◆ The top 25 agencies by total contract value were more likely than other agencies to conduct each compliance action. These agencies awarded a combined total contract value of more than \$30.8 billion during fiscal years 2019 and 2020, which represents nearly 89.3 percent of the total amount contracted by state agencies during that period.
- ◆ The questionnaire responses indicate that most agencies are considering procurement requirements seriously and conducting actions proactively to ensure compliance.

ANALYSIS OF ALL RESPONDENTS

The average respondent reported conducting 6.2 of the 10 listed compliance actions. Attending external trainings, increasing management involvement, and obtaining certifications for procurement personnel were the most commonly

¹ Calculated based on the 174 state entities included in the 2020–21 GAA, excluding the Senate and House of Representatives. Questionnaire results are self-reported by agencies.

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reported compliance actions. Eight of the 10 compliance actions were utilized by at least 50.0 percent of respondents. The least reported actions conducted were dedicating more funding to contract compliance and hiring consultants, which fewer than 50.0 percent of respondents reported utilizing. Figure 1 shows how many agencies responded affirmatively to each compliance action.

FIGURE 1
TOTAL AFFIRMATIVE RESPONSES BY COMPLIANCE ACTION AS REPORTED BY AGENCIES PURSUANT TO THE EIGHTY-SIXTH LEGISLATURE, GENERAL APPROPRIATIONS ACT, 2020–21 BIENNIUM, ARTICLE IX, SECTION 17.10(F)

| ACTION | AFFIRMATIVE RESPONSES (158 RESPONDING AGENCIES) | PERCENTAGE |
|--|--|------------|
| External Trainings | 133 | 84.2% |
| Increased Management Involvement | 133 | 84.2% |
| Certifications | 129 | 81.6% |
| Internal Trainings | 108 | 68.4% |
| Studied Best Practices | 107 | 67.7% |
| Revised Contracting Manual or Procedures | 106 | 67.1% |
| Communicated with Oversight Entities | 100 | 63.3% |
| Increased or Reorganized Personnel | 80 | 50.6% |
| Dedicated More Funding | 60 | 38.0% |
| Hired Consultants | 19 | 12.0% |

SOURCE: Legislative Budget Board.

ANALYSIS OF THE 25 LARGEST AGENCIES

The top 25 agencies, based on total contracted amounts during fiscal years 2019 and 2020, were more likely to report conducting each compliance action than were the remaining 133 agencies. Five of the top 25 agencies reported conducting all 10 compliance actions, and 19 reported conducting at least seven actions. The average number of compliance actions conducted by a top 25 agency was 7.6, compared to 5.9 for all other agencies.

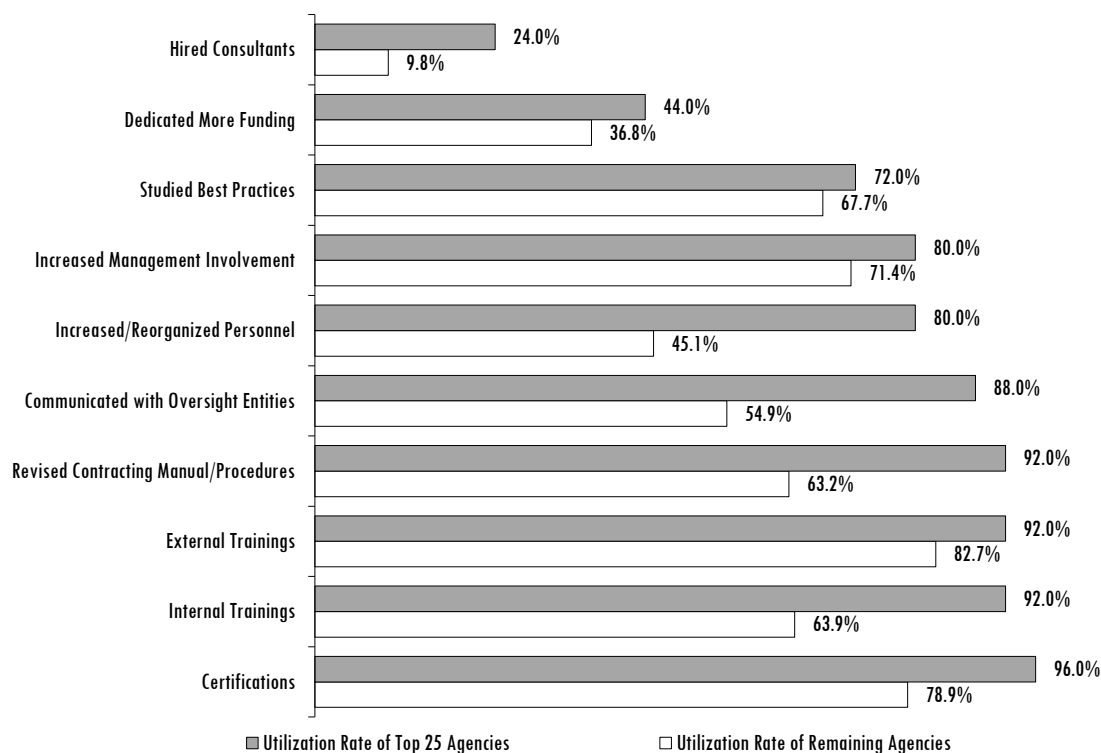
Although the statistical model of all responses showed no clear relationship between total contract value and number of compliance steps taken, the top 25 agencies reported higher average numbers of compliance steps conducted. This finding is positive, because these 25 agencies represent the majority of total contract value among state agencies, at nearly 89.3 percent during fiscal years 2019 and 2020.

Figure 2 shows the utilization rate of each compliance action by the top 25 agencies compared to the remaining agencies. The top 25 agencies and their responses are shown in Appendix B.

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FIGURE 2
UTILIZATION RATE OF EACH COMPLIANCE ACTION BY TOP 25 AGENCIES COMPARED TO REMAINING AGENCIES
FISCAL YEAR 2020



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 158 respondents, 132 provided input on at least one of these questions. Many agencies 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 can be provided upon request.

Some overall themes emerged in agencies’ responses to these open-ended questions. Agencies mentioned implementing the recommendations of internal and external audits 23 times. Agencies mentioned developing checklists for contract compliance 34 times. These responses indicate that most agencies are considering procurement requirements seriously and conducting actions proactively to ensure compliance.

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APPENDIX A – ALL RESPONSES

| 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 |
|---|-----------------------------|--|--------------------------------------|------------------------------|---|-------------------|----------------------------------|--|---|---|
| 105 – Legislative Reference Library | X | | | | | | | | | |
| 201 – Supreme Court of Texas | X | X | | | | | X | | | |
| 211 – Court of Criminal Appeals | X | X | | | | | | | | |
| 212 – Office of Court Administration | X | X | X | | X | X | X | | | X |
| 221 – First Court of Appeals | X | | | X | | | X | X | | |
| 222 – Second Court of Appeals | X | X | X | X | | | X | | | X |
| 223 – Third Court of Appeals | | | | | | | | | | X |
| 225 – Fifth Court of Appeals | X | X | | | | | | | | |
| 228 – Eighth Court of Appeals | | | | | | | X | | | X |
| 229 – Ninth Court of Appeals | | X | | | | | | | | |
| 230 – Tenth Court of Appeals | X | | | | | | X | | | |
| 231 – Eleventh Court of Appeals | X | X | | X | | | | | | X |
| 233 – Thirteenth Court of Appeals | | | | | | | X | | | X |
| 234 – Fourteenth Court of Appeals | X | | | X | | | X | X | | |
| 242 – State Commission on Judicial Conduct | X | | | X | | | | | | |
| 243 – State Law Library | | | | | | | X | | | |
| 300 – Office of the Governor | X | X | X | X | X | | X | | | X |
| 301 – Trusteed Programs within the Office of the Governor | X | X | X | X | X | | X | | | X |
| 302 – Office of the Attorney General | X | X | X | X | | | X | X | X | X |

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|---|-----------------------------------|---|---|------------------------------------|--|----------------------|--|---|--|--|
| 303 – Facilities Commission | X | X | X | X | | | X | X | X | |
| 304 – Comptroller of Public Accounts | X | X | X | X | | | X | X | X | X |
| 305 – General Land Office | X | X | X | X | X | | X | X | X | X |
| 306 – 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 |
| 312 – State Securities Board | X | X | | X | X | X | X | | | X |
| 313 – Department of Information Resources | 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 | X |
| 326 – Texas Emergency Services Retirement System | X | X | X | | | X | | | | X |
| 327 – Employees Retirement System of Texas | X | X | X | X | X | X | X | X | X | X |
| 332 – Department of Housing and Community Affairs | X | X | X | X | | | X | X | X | X |
| 338 – Pension Review Board | X | | | | | | X | | X | |
| 347 – Public Finance Authority | X | X | X | X | | | X | | | |
| 352 – Bond Review Board | X | X | | | | | | X | X | |
| 356 – Texas Ethics Commission | X | X | X | | | | X | | X | X |
| 359 – Office of Public Insurance Counsel | | | X | | | | X | | X | |
| 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 – Military Department | X | X | X | X | | | X | X | X | X |

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|--|-----------------------------------|---|---|------------------------------------|--|----------------------|--|---|--|--|
| 403 – Veterans Commission | | X | | X | | | X | | X | |
| 405 – Department of Public Safety | X | X | X | X | | | X | X | X | X |
| 407 – Commission on Law Enforcement | X | X | X | X | | | X | | X | X |
| 409 – Commission on Jail Standards | X | X | X | | X | | X | X | X | X |
| 411 – Commission on Fire Protection | | | | X | | | | | | |
| 448 – Office of Injured Employee Counsel | X | X | X | X | | | X | X | X | X |
| 452 – Department of Licensing and Regulation | X | X | | X | X | | X | X | X | X |
| 454 – 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 – Board of Plumbing Examiners | X | X | X | X | | | X | X | X | X |
| 458 – Alcoholic Beverage Commission | X | X | X | | X | | X | X | X | X |
| 459 – Texas Board of Architectural Examiners | | | X | | | | X | | X | X |
| 460 – Texas Board of Professional Engineers and Land Surveyors | X | X | | | | | | | X | X |
| 473 – Public Utility Commission | X | X | X | X | | | | | | X |
| 475 – Office of Public Utility Counsel | X | X | X | | | | | X | X | X |
| 476 – Racing Commission | X | X | X | | | | | | X | |
| 477 – Commission on State Emergency Communication | | X | | X | | | X | X | X | |
| 479 – State Office of Risk Management | X | X | X | X | X | | X | X | X | X |
| 481 – Board of Professional Geoscientists | | | X | | | | X | | | X |
| 503 – Texas Medical Board | | X | X | X | X | X | X | | X | X |

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|--|-----------------------------------|---|---|------------------------------------|--|----------------------|--|---|--|--|
| 504 – Texas State Board of Dental Examiners | X | X | | | | | | | X | |
| 506 – University of Texas M.D. Anderson Cancer Center | X | X | X | X | X | X | X | X | X | X |
| 507 – Board of Nursing | X | X | X | | | | X | X | X | X |
| 508 – Board of Chiropractic Examiners | X | X | X | | | | X | | X | |
| 513 – Funeral Service Commission | X | | X | | | | X | | | X |
| 514 – Optometry Board | | | | | | | X | | | |
| 515 – State Board of Pharmacy | X | X | | | | | X | | | |
| 520 – Board of Examiners of Psychologists | 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 Therapy and Occupational Therapy Examiners | 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 | | | | | | | |
| 544 – Texas Civil Commitment Office | X | X | X | | | | | | X | X |
| 551 – Department of Agriculture | X | X | | | | | X | X | X | |
| 554 – Animal Health Commission | X | 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 |
| 557 – Texas A&M Veterinary Medical Diagnostic Laboratory | X | X | | X | | | X | X | | X |

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|--|-----------------------------------|---|---|------------------------------------|--|----------------------|--|---|--|--|
| 575 – Texas Division of Emergency Management | X | X | X | X | | | | | | X |
| 576 – Texas A&M Forest Service | X | X | | X | | | X | X | X | X |
| 578 – Board of Veterinary Medical Examiners | X | X | | | | | X | | | |
| 580 – Water Development Board | X | X | X | X | X | | X | X | X | X |
| 582 – Commission on Environmental Quality | X | X | X | X | | | | X | X | X |
| 592 – State Soil and Water Conservation Board | | X | X | | | | | | | X |
| 601 – Department of Transportation | X | X | X | X | | | X | X | X | X |
| 608 – Department of Motor Vehicles | X | X | X | X | X | | X | X | X | X |
| 644 – Juvenile Justice Department | X | X | X | X | X | | X | X | X | X |
| 696 – Department of Criminal Justice | X | X | X | X | | | | | X | X |
| 701 – Texas Education Agency | X | X | X | X | X | | X | X | X | X |
| 709 – Texas A&M University Health Science Center | | X | | X | X | | | | X | |
| 710 – Texas A&M University System | X | X | | X | | | | | X | |
| 711 – Texas A&M University | | X | | X | X | | | | X | |
| 712 – Texas A&M Engineering Experiment Station | 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 | X |
| 716 – Texas A&M Engineering Extension Service | | | | X | | | | | | |
| 717 – Texas Southern University | X | X | X | X | X | X | X | | X | X |

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|---|-----------------------------|--|--------------------------------------|------------------------------|---|-------------------|----------------------------------|--|---|---|
| 718 – Texas A&M University at Galveston | | X | | X | X | | | | X | |
| 719 – Texas State Technical College | X | X | X | X | X | | X | X | X | X |
| 720 – University of Texas System Administration | X | X | X | X | X | | X | X | X | X |
| 721 – University of Texas at Austin | X | X | X | X | | | X | X | X | X |
| 723 – University of Texas Medical Branch | X | X | X | X | X | | X | X | X | X |
| 724 – University of Texas at El Paso | X | X | X | X | X | | X | X | X | X |
| 727 – Texas A&M Transportation Institute | X | X | | | X | X | | | X | |
| 729 – University of Texas Southwestern Medical Center | X | X | X | X | X | | X | X | X | X |
| 730 – University of Houston | X | X | X | X | | | X | | X | X |
| 731 – Texas Woman's University | X | X | | X | | | X | X | X | X |
| 732 – Texas A&M University – Kingsville | 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 | X |
| 737 – Angelo State University | 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 | |
| 741 – Sul Ross State University Rio Grande College | X | | X | | X | | X | X | X | X |
| 742 – University of Texas of the Permian Basin | X | X | X | X | X | X | X | X | X | X |
| 743 – University of Texas at San Antonio | X | 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 |
| 745 – University of Texas Health Science Center at San Antonio | X | X | X | X | X | | X | X | X | X |
| 746 – University of Texas at Rio Grande Valley | X | X | X | X | X | | X | X | X | X |
| 749 – Texas A&M University – San Antonio | X | X | X | X | X | X | X | X | X | X |
| 750 – University of Texas at Tyler | X | X | X | X | X | | X | X | X | X |
| 751 – Texas A&M University – Commerce | X | X | X | X | X | | X | X | X | X |
| 752 – University of North Texas | X | | | | | | | X | | |
| 753 – Sam Houston State University | X | | | X | X | | X | | X | |
| 754 – Texas State University | 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 |
| 758 – Texas State University System | X | X | X | X | X | X | X | X | X | X |
| 759 – University of Houston – Clear Lake | 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 | X |
| 763 – University of North Texas Health Science Center | X | X | | X | | | | | X | X |
| 764 – Texas A&M University – Texarkana | 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 |
| 769 – University of North Texas System | X | | | | | | | X | | |

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|---|-----------------------------------|---|---|------------------------------------|--|----------------------|--|---|--|--|
| 770 – Texas A&M University – Central Texas | X | X | | X | | | X | X | | X |
| 771 – School for the Blind and Visually Impaired | X | X | X | | | | X | | X | X |
| 772 – School for the Deaf | X | X | X | X | X | | X | X | X | |
| 773 – University of North Texas at Dallas | X | | | | | | | X | | |
| 774 – Texas Tech University Health Sciences Center at El Paso | | X | X | X | X | | X | | X | |
| 781 – Higher Education Coordinating Board | X | X | X | X | | | X | X | X | |
| 783 – University of Houston System | 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 | | X | | X | X | | X | | | |
| 787 – Lamar State College – Orange | X | X | X | X | | | | X | X | X |
| 788 – Lamar State College – Port Arthur | | X | X | | | | | | X | X |
| 789 – Lamar Institute of Technology | X | X | | X | | | | | X | |
| 802 – Parks and Wildlife Department | | X | X | | | | X | X | X | |
| 808 – Historical Commission | X | X | X | X | | | X | X | X | X |
| 809 – Preservation Board | X | X | X | | | | X | | X | X |
| 813 – Commission on the Arts | X | X | X | | X | | X | | | |
| 902 – Fiscal Programs within the Office of the Comptroller of Public Accounts | X | X | X | X | | | X | X | X | X |
| Total | 133 | 129 | 102 | 108 | 60 | 19 | 115 | 80 | 107 | 108 |

SOURCE: Legislative Budget Board.

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APPENDIX B – RESPONSES OF TOP 25 AGENCIES BY TOTAL CONTRACT VALUE

| 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 – Department of Transportation | X | X | X | X | | | X | X | X | X |
| 305 – General Land Office | X | X | X | X | X | | X | X | X | X |
| 529 – Health and Human Services Commission | X | X | X | X | X | X | X | X | X | X |
| 696 – Department of Criminal Justice | X | X | X | X | | | | | X | X |
| 537 – Department of State Health Services | 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 |
| 730 – University of Houston | X | X | X | X | | | X | | X | X |
| 781 – Higher Education Coordinating Board | X | X | X | X | | | X | X | X | |
| 530 – Department of Family and Protective Services | X | X | X | X | X | X | X | X | X | X |
| 710 – Texas A&M University System | X | X | | X | | | | | X | |
| 721 – University of Texas at Austin | X | X | X | X | | | X | X | X | X |
| 405 – Department of Public Safety | X | X | X | X | | | X | X | X | X |
| 733 – Texas Tech University | X | X | X | X | X | | X | X | | X |
| 320 – Texas Workforce Commission | X | X | X | X | | X | X | X | X | X |

2020 CONTRACT MANAGEMENT AND OVERSIGHT UPDATE REPORT

Submitted by Legislative Budget Board Staff as required by the Eighty-sixth Legislature, General Appropriations Act, 2020–21 Biennium, Article IX, Section 17.10(f)
December 2020

| 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 |
|---|-----------------------------|--|--------------------------------------|------------------------------|---|-------------------|----------------------------------|--|---|---|
| 744 – University of Texas Health Science Center at Houston | X | X | X | X | X | | X | X | X | X |
| 313 – Department of Information Resources | X | X | X | X | X | X | X | X | X | X |
| 774 – Texas Tech University Health Sciences Center at El Paso | | X | X | X | X | | X | | X | |
| 303 – Facilities Commission | X | X | X | X | | | X | X | X | |
| 582 – Commission on Environmental Quality | X | X | X | X | | | | X | X | X |
| 802 – Parks and Wildlife Department | | X | X | | | | X | X | X | |
| 701 – Texas Education Agency | X | X | X | X | X | | X | X | X | X |
| 302 – Office of the Attorney General | X | X | X | X | | | X | X | X | X |
| 752 – University of North Texas | X | | | | | | | X | | |
| 323 – Teacher Retirement System of Texas | X | X | X | X | X | X | X | X | X | X |
| 739 – Texas Tech University Health Sciences Center | X | X | | X | | | | | X | |
| Total | 23 | 24 | 22 | 23 | 11 | 6 | 20 | 20 | 23 | 18 |

SOURCE: Legislative Budget Board.