



GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

April 5, 2022

Michael Vogler, Purchaser
Texas Workforce Commission (TWC)

Re: Delegation for Open Market Requisition (OMR) No. 3202200247A - Beverage Counter

The Statewide Procurement Division (SPD) of the Texas Comptroller of Public Accounts (CPA) authorizes TWC to process a solicitation for a one-time purchase for Beverage Counter for TWC's BET which administers programs to help Texas who are Blind or Visually Impaired manage a Cafeteria, for quantities as outlined in the referenced OMR, for an estimated amount of \$54,894.00.

By accepting this delegation, the TWC certifies that its staff has the requisite experience necessary to facilitate the procurement process for these commodities as required by the Chapters 2155 and 2156 of the Texas Government Code and 34 Texas Administrative Code §20.82 and the *State of Texas Procurement and Contract Management Guide (PCMG)*.

Purchase Category Code (PCC) S

SPD has reviewed the OMR submission and recommends the solicitation contain the clauses required pursuant to Section 2155.067 of the Texas Government Code. SPD also recommends the solicitation file contains the proprietary purchase justification letter which shall address each of the four requirements listed in the PCMG.

In the absence of a proprietary justification:

- As a best procurement practice and to align with the PCMG, SPD recommends including at least two reference brands/manufacturers for each commodity line item. If only one reference brand/manufacturers can be found, SPD recommends the Agency document the procurement file as to why the specifications are written in such a way that precludes them from identifying a second reference brand that meets the agency's requirements and include documentation of the agency's attempts to locate a second reference brand.
- Unless exact dimensions are required, length, width, height, volume, size, capacity and other numerical specifications (RPM, HP, BTU, etc.) should utilize minimum/maximum language to specify an acceptable range or, at a minimum, be listed as "nominal dimensions" to avoid restrictive specifications.
- Direct references to brand names and models should be removed from line-item specifications.

If there is a business reason you do not agree with these recommendations, please submit that information in writing via email for review and response prior to publishing the solicitation.

Any resulting contract(s) are subject to audit. A copy of this letter shall be placed in the agency procurement file.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Kinsey".

Daniel Kinsey, CTCD, CTCM
Area Manager, Statewide Contract Development
Statewide Procurement Division
Texas Comptroller of Public Accounts
Daniel.Kinsey@cpa.texas.gov