**Legal Resource Manual**

**for Purchasers and Contract Administrators**

**Note: This Legal Resource Manual is not intended to provide specific legal advice for any specific situation. It is intended as general information only. Legal advice can be provided only in the course of an attorney-client relationship with reference to all the facts of a specific situation. This information, therefore, must not be relied on as a substitute for obtaining legal advice from a licensed attorney.**

**Access to Electronic and Information Resources by Individuals with Disabilities**

Chapter 2054, Subchapter M, Government Code

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2054.htm#M>

Texas Administrative Code, Title 1, Part 10, Chapter 206, State Web Sites:

Subchapter A, Definitions

<http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=10&ch=206&sch=A&rl=Y>

Subchapter C, Rule §206.70 Accessibility and Usability of Institution of Higher Education Web Sites

<http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=10&ch=206&rl=70>

Subchapter C, Rule §206.71 Accessibility Policy

<http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=10&ch=206&rl=71>

Texas Administrative Code, Title 1, Part 10, Chapter 213, Electronic and Information Resources:

Subchapter A, Definitions

<http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=10&ch=213&sch=A&rl=Y>

Subchapter C, Electronic and Information Resources for Institutions of Higher Education

<http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=10&ch=213&sch=C&rl=Y>

UTS150 – Access by Persons with Disabilities to Electronic and Information Resources Procured by The University of Texas System Administration and The University Of Texas System Institutions

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts150-access-persons-disabilities>

**Authority to Sign Contracts (Delegation of Authority)**

Board of Regents Rules and Regulations – Rule 10501

<http://www.utsystem.edu/board-of-regents/rules/10501-delegation-act-behalf-board>

Delegation Memorandum Templates

<http://www.utsystem.edu/documents/docs/delegation-authority/delegations-authority-templates>

**Best Value Statutes**

Section 51.9335, Education Code

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm#51.9335>

Section 51.9337, Education code  
<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm#51.9337>

Section 73.115, Education Code

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.73.htm#73.115>

Section 74.008, Education code

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.74.htm#74.008>

**Board of Regents’ Rules and Regulations**

<http://www.utsystem.edu/offices/board-regents/regents-rules-and-regulations>

**Bond Review Board**

<http://www.brb.state.tx.us/>

**Business Procedure Memoranda (BPMs) see U.T. System Policy Library**

<http://www.utsystem.edu/board-of-regents/policy-library>

**Buyer Training and Certification**

UTS156 – Purchaser Training and Certification

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts156-purchaser-training-and-certification>

UTS159 – Purchasing

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts159-purchasing>

Texas Procurement and Support Services Division of Texas Comptroller’s office (TPASS) - Training Information

<https://www.comptroller.texas.gov/purchasing/training/>

**Information System Vendor (CISV)  *(Repealed 09-01-2007)***

Texas Procurement and Support Services Division of Texas Comptroller’s Office (TPASS) - CISV Information

[Web page removed from Comptroller website October 2016]

**Certificate of Interested Parties – HB 1295 (2015)**

Form 1295 Certificate of Interested Parties

<https://www.ethics.state.tx.us/forms/1295.pdf>

Frequently Asked Questions for Disclosure of Interested Parties (Form 1295)

<https://www.ethics.state.tx.us/whatsnew/FAQ_Form1295.html>

Implementation of House Bill 1295

<https://www.ethics.state.tx.us/tec/1295-Info.htm>

Texas Ethics Commission Rules, Chapter 46 Disclosure of Interested Parties

<https://www.ethics.state.tx.us/legal/ch46.html>

**Construction Contracts**

UT System Office of Facilities Planning and Construction

<http://www.utsystem.edu/offices/facilities-planning-and-construction>

UT System OGC Construction Law Pages

<http://www.utsystem.edu/offices/general-counsel/construction-law-0>

**Consulting Contracts**

*Statutes and regulations related to consulting contracts are not applicable to institutions of higher education if certain conditions are met. See Sections* [*2254.028*](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2254.htm#2254.028) *and* [*2254.0301*](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2254.htm#2254.0301)*, Texas Government Code.)*

Office of the Governor Consulting Contract Guidelines

<http://governor.state.tx.us/bpp/guidelines>

Gov. Code Chapter 2254, Subchapter B

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2254.htm#B>

**Contract Checklists**

OGC Standard Contracts

<http://www.utsystem.edu/offices/general-counsel/contracts-standard-contracts-model-contracts-and-additional-resources>

UTS145 – Processing of Contracts

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts145-processing-contracts>

UT System OGC General Procedure Contract Checklist

<https://www.utsystem.edu/general-procedure-contract-checklist/>

UT System Office of Business Affairs Contract Processing Checklist

<http://www.utsystem.edu/documents/docs/bidding-and-contracts/contract-processing-checklist>

**Contract Management Guide – State of Texas**

<https://www.comptroller.texas.gov/purchasing/publications/contract-management-guide.php>

**Contract Management Handbook – OGC Template on Sample Documents web page (UT Authentication required)**

<https://apps.utsystem.edu/ogcprotected/sampledocs.htm>

**Delegation of Authority (Authority to Sign Contracts)**

Board of Regents Rules and Regulations – Rule 10501

<http://www.utsystem.edu/board-of-regents/rules/10501-delegation-act-behalf-board>

Delegation Memorandum Templates

<http://www.utsystem.edu/documents/docs/delegation-authority/delegations-authority-templates>

**Department of Information Resources (DIR)**

DIR Home Page

<http://www.dir.state.tx.us/>

**Disclosure of Interested Parties – HB 1295 (2015)**

Form 1295 Certificate of Interested Parties

<https://www.ethics.state.tx.us/forms/1295.pdf>

Frequently Asked Questions for Disclosure of Interested Parties (Form 1295)

<https://www.ethics.state.tx.us/whatsnew/FAQ_Form1295.html>

Implementation of House Bill 1295

<https://www.ethics.state.tx.us/tec/1295-Info.htm>

Texas Ethics Commission Rules, Chapter 46 Disclosure of Interested Parties

<https://www.ethics.state.tx.us/legal/ch46.html>

**Electronic Records, Signatures, and Transactions**

Federal Electronic Signatures in Global and National Commerce Act (the “E-Sign Act”), Title 15, Chapter 96, United States Code

U.S. House of Representatives Website:

<http://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter96&edition=prelim>

U. S. Government Printing Office (“GPO”) Access Website:

<http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&TITLE=15USCC96&PDFS=YES>

Texas Uniform Electronic Transactions Act (“UETA”), Chapter 322, Texas Business and Commerce Code

<http://www.statutes.legis.state.tx.us/Docs/BC/htm/BC.322.htm>

Acceptance and Distribution of Electronic Records by Governmental Agencies, Section 322.017, Texas Business and Commerce Code

<http://www.statutes.legis.state.tx.us/Docs/BC/htm/BC.322.htm#322.017>

Texas Department of Information Resources (“DIR”) - Management of Electronic Transactions and Signed Records, Texas Administrative Code, Title 1, Part 10, Chapter 203 <http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=1&pt=10&ch=203>

Texas State Library and Archives Commission (“TSL”) - Standards and Procedures for Management of Electronic Records, Texas Administrative Code, Title 13, Part 1, Chapter 6, Subchapter C <http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=13&pt=1&ch=6&sch=C&rl=Y>

UETA Task Force - Guidelines for the Management of Electronic Transactions and Signed Records

DIR Website:

<http://publishingext.dir.texas.gov/portal/internal/resources/DocumentLibrary/Texas%20Uniform%20Electronic%20Transactions%20Act%20(UETA)%20Guidelines.pdf>

**Equipment Leases**

Equipment Lease Issues – OGC Training Presentation (UT authentication required; use “Training Presentations” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

*Texas Bond Review Board requirements not applicable to institutions of higher education if certain conditions are met:* [*Section 1231.041, Texas Government Code*](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.1231.htm#1231.041)*.*

Texas Bond Review Board Web Site

<http://www.brb.state.tx.us/>

**Facility Use Agreements**

Real Estate Office

<http://www.utsystem.edu/offices/real-estate>

Board of Regents Rules and Regulations – Rule 80104

<http://www.utsystem.edu/board-of-regents/rules/80104-use-facilities>

Board of Regents Rules and Regulations – Rule 80105

<http://www.utsystem.edu/board-of-regents/rules/80105-joint-sponsorship-use-property-or-buildings>

Board of Regents Rules and Regulations – Rule 80106

<http://www.utsystem.edu/board-of-regents/rules/80106-special-use-facilities>

**Group Purchasing**

OGC Bulletin – “Group Purchasing Programs under Best Value Procurement Authority” (UT authentication required; use “OGC Bulletins” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

OGC Bulletin – “’piggybacking’ on existing contracts” (UT authentication required; use “OGC Bulletins” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

UT Supply Chain Alliance Web page

<http://www.utsystem.edu/hea/supplychainalliance/>

UT System-wide Contracts Web page (UT authentication; use “system-wide contracts” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

**HB 1295 (2015) Disclosure of Interested Parties**

Form 1295 Certificate of Interested Parties

<https://www.ethics.state.tx.us/forms/1295.pdf>

Frequently Asked Questions for Disclosure of Interested Parties (Form 1295)

<https://www.ethics.state.tx.us/whatsnew/FAQ_Form1295.html>

Implementation of House Bill 1295

<https://www.ethics.state.tx.us/tec/1295-Info.htm>

Texas Ethics Commission Rules, Chapter 46 Disclosure of Interested Parties

<https://www.ethics.state.tx.us/legal/ch46.html>

**Historically Underutilized Business (HUB) Program**

UTS137 – Historically Underutilized Business (HUB) Program

http://www.utsystem.edu/board-of-regents/policy-library/policies/uts137-historically-underutilized-business-hub-program

UT System Historically Underutilized Business (HUB) Program

<http://www.utsystem.edu/offices/historically-underutilized-business/hub-program>

Office of Facilities Planning and Construction HUB Web Page

<http://www.utsystem.edu/offices/facilities-planning-and-construction/resources>

**Information Security (Social Security Numbers)**

UTS165 - Information Resources Use and Security Policy

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts165-information-resources-use-and-security-policy>

**Interagency Contracts**

Restrictions on Interagency Contracts for Information Resource Technologies – Section 2054.119, Government Code

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2054.htm#2054.119>

DIR Rules Related to Interagency Contracts – 1 TAC 204.31

<http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=10&ch=204&rl=31>

Interagency Cooperation Act – Chapter 771, Government Code

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.771.htm>

**Interlocal Cooperation Contracts**

[Interlocal Cooperation Act, Chapter 791, Government Code](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.791.htm)

**Nepotism Disclosure For Purchasing Personnel**  
  
 Nepotism Disclosure Form - State Auditor’s Office

<https://www.sao.texas.gov/Forms/Nepotism/>

Applicable Statute – Chapter 2262.004, Government Code

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2262.htm#2262.004>

**Open Records**

UTS 139 – Texas Public Information Act

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts139-compliance-texas-public-information-act>

UT System OGC – Open Records

<http://www.utsystem.edu/openrecords>

Texas Public Information Act, Chapter 552, Government Code

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.552.htm>

**Processing of Contracts**

UTS145 – Processing of Contracts

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts145-processing-contracts>

UT System OGC – Contract Review Procedures

<http://www.utsystem.edu/offices/general-counsel/contract-review-procedures>

UT System Office of Business Affairs Contract Processing Checklist

<http://www.utsystem.edu/documents/docs/bidding-and-contracts/contract-processing-checklist>

**Procurement Manual – State of Texas**

State of Texas Procurement Manual

<https://www.comptroller.texas.gov/purchasing/publications/procurement-manual.php>

**Procurement Protest Policy (Procurements of Goods and Services only)**

UTS148 – Protest Procedures Related to Procurements of Goods and Services

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts148-protest-related-procurements-goods-services>

**Procurement – Sole Source**

OGC Bulletin #2012-1 – “Summary of ‘Sole Source’ Requirements” (UT authentication required; use “OGC Bulletins” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

**Professional Services**

Professional Services Procurement Act, Chapter 2254, Subchapter A, Government Code

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2254.htm#A>

**Protest Policy (Procurements of Goods and Services only)**

UTS148 – Protest Procedures Related to Procurements of Goods and Services

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts148-protest-related-procurements-goods-services>

**Public Information**

UTS 139 – Texas Public Information Act

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts139-compliance-texas-public-information-act>

UT System OGC – Open Records

<http://www.utsystem.edu/openrecords>

Texas Public Information Act, Chapter 552, Government Code

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.552.htm>

**Purchaser Training and Certification**

UTS156 – Purchaser Training and Certification

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts156-purchaser-training-and-certification>

UTS159 – Purchasing

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts159-purchasing>

Texas Procurement and Support Services Division of Texas Comptroller’s Office (TPASS) - Training Information

<https://www.comptroller.texas.gov/purchasing/training/>

**Purchasing Personnel (Nepotism) Disclosure**  
  
 Nepotism Disclosure Form - State Auditor’s Office

<https://www.sao.texas.gov/Forms/Nepotism/>

Applicable Statute

[Texas Government Code 2262.004](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2262.htm#2262.004)

**Request for Information (RFIs)**

Request for Information Template (UT authentication required; use “Sample Documents” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

**Request for Proposal (RFPs)**

Request for Proposal Templates and Instructions (UT authentication required; use “Sample Documents” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

**Request for Qualifications (RFQs)**

Request for Qualifications Template (UT authentication required; use “Sample Documents” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

**Signature Authority (Delegation of Authority To Sign Contracts)**

Board of Regents Rules and Regulations – Rule 10501

<http://www.utsystem.edu/board-of-regents/rules/10501-delegation-act-behalf-board>

Delegation Memorandum Templates

<http://www.utsystem.edu/documents/docs/delegation-authority/delegations-authority-templates>

**Social Security Numbers (Information Security)**

UTS165 - Information Resources Use and Security Policy

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts165-information-resources-use-and-security-policy>

**Sole Source Justification**

OGC Bulletin #2012-1 – “Summary of ‘Sole Source’ Requirements” (UT authentication required; use “OGC Bulletins” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

**Solicitation**

UTS122 – Guidelines for Web Site Solicitations

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts122-guidelines-web-site-solicitations>

Board of Regents Rules and Regulations – Section 2.24, Rule 80103

<http://www.utsystem.edu/board-of-regents/rules/80103-solicitation>

**Space Lease Agreements**

UTS126 – Processing of Space Lease Agreements

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts126-processing-space-lease-agreements>

**Sponsorship Agreements**

UTS103 – Unrelated Business Income Tax

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts103-unrelated-business-income-tax-ubit>

UTS122 – Guidelines for Web Site Solicitations

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts122-guidelines-web-site-solicitations>

UTS145 – Processing of Contracts

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts145-processing-contracts>

Board of Regents Rules and Regulations – Rule 10501

<http://www.utsystem.edu/board-of-regents/rules/10501-delegation-act-behalf-board>

Board of Regents Rules and Regulations – Rule 80103

<http://www.utsystem.edu/board-of-regents/rules/80103-solicitation>

University Trademark Policy

<https://trademarks.utexas.edu/basic-information>

**State of Texas Contract Management Guide**

<https://www.comptroller.texas.gov/purchasing/publications/contract-management-guide.php>

**State of Texas Procurement Manual**

<https://www.comptroller.texas.gov/purchasing/publications/procurement-manual.php>

**State Web Sites**

Texas Administrative Code, Title 1, Part 10, Chapter 206, State Web Sites:

Subchapter A, Definitions

<http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=10&ch=206&sch=A&rl=Y>

Subchapter C, Institution of Higher Education Web Sites

<http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=10&ch=206&sch=C&rl=Y>

UTS122 – Guidelines for Web Site Solicitations

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts122-guidelines-web-site-solicitations>

Board of Regents Rules and Regulations – Section 2.24, Rule 80103

<http://www.utsystem.edu/board-of-regents/rules/80103-solicitation>

**Suspension of Performance**

OGC Bulletin – “Suspension of Performance by State Vendors Under the Texas Prompt Payment Act” (UT authentication required; use “OGC Bulletins” link)

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

**Tax Issues**

UTS103– Unrelated Business Income Tax

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts103-unrelated-business-income-tax-ubit>

UTS122 – Guidelines for Web Site Solicitations

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts122-guidelines-web-site-solicitations>

**Texas Bond Review Board**

<http://www.brb.state.tx.us/>

**Texas Contract Management Guide**

<https://www.comptroller.texas.gov/purchasing/publications/contract-management-guide.php>

**Texas Department of Information Resources (DIR)**

<http://www.dir.state.tx.us/>

**Texas Procurement Manual**

<https://www.comptroller.texas.gov/purchasing/publications/procurement-manual.php>

**Texas Procurement and Support Services, Division of Texas Comptroller’s Office (TPASS)**

<https://www.comptroller.texas.gov/purchasing/>

**Texas Public Information Act**

UTS 139 – Texas Public Information Act

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts139-compliance-texas-public-information-act>

UT System OGC – Open Records

<http://www.utsystem.edu/openrecords>

Texas Public Information Act, Chapter 552, Government Code

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.552.htm>

**Trademarks**

University Trademark Policy

<https://trademarks.utexas.edu/basic-information>

**Unrelated Business Income Tax**

UTS103 – Unrelated Business Income Tax

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts103-unrelated-business-income-tax-ubit>

**U.T. System Policy Library**

<http://www.utsystem.edu/board-of-regents/policy-library>

**U.T. System OGC Contracting and Procurement Practice Group Resource Pages**

Contracting and Procurement Practice Group Resource Pages

<http://www.utsystem.edu/offices/general-counsel/contracting-and-procurement-practice-group-resource-pages>

**University Trademark Policy**

<https://trademarks.utexas.edu/basic-information>

**Vending Machine Contracts**

UTS130- Vending Machine Contracts

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts130-vending-machine-contracts>

Board of Regents Rules and Regulations – Rule 50302

<http://www.utsystem.edu/board-of-regents/rules/50302-student-participation-selection-and-monitoring-food-service-contractors>

**Web Site Links from UT Web Page to Third Party Web Page**

UTS122 – Guidelines for Web Site Solicitations

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts122-guidelines-web-site-solicitations>

UTS103– Unrelated Business Income Tax

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts103-unrelated-business-income-tax-ubit>

Board of Regents Rules and Regulations – Section 2.24, Rule 80103

<http://www.utsystem.edu/board-of-regents/rules/80103-solicitation>

**Web Site Solicitation**

UTS122 – Guidelines for Web Site Solicitations

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts122-guidelines-web-site-solicitations>

UTS103– Unrelated Business Income Tax

<http://www.utsystem.edu/board-of-regents/policy-library/policies/uts103-unrelated-business-income-tax-ubit>

Board of Regents Rules and Regulations – Section 2.24, Rule 80103

<http://www.utsystem.edu/board-of-regents/rules/80103-solicitation>

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