

Chapter: Agency Management and Operations Subchapter: Contracts Title: Contract Authority and Responsibilities ACA: 4-JCF-3A-16, 6D-09 Statutes: Gov't Code: §2161.003, §2260.052(c), Gov't Code Chapter 2254, Subchapters A and B	Effective Date: 7/15/14 Page: 1 of 3 Replaces: GAP.385.1101, 7/15/11
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RULE

(a) **Purpose.**

The purpose of this rule is to establish responsibilities for approving and executing contracts required by the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule applies to all contracts entered into by TJJD.

(c) **Definitions.**

As used in this chapter, the following terms have the following meanings, unless the context clearly indicates otherwise.

(1) **Board**--the governing board of TJJD.

(2) **Contract**--a written contract between TJJD and another party, either public or private, for goods or services or for a project as defined by Texas Government Code §2166.001. As used in this chapter, "contract" includes the following: letters of agreement; interagency/interlocal agreements with other government entities; memorandums of understanding; and other agreements in which state funds or services are exchanged for the delivery of goods or performance of services.

(d) **Approval Authority.**

(1) **Board Approval.**

The executive director or his/her designee must present certain contracts to the board for approval, including but not limited to:

- (A) any contract exceeding \$500,000;
- (B) any construction contract exceeding \$300,000;
- (C) any change order exceeding \$150,000 for a construction contract;
- (D) any contract for consultant services, as defined in Texas Government Code §2254.021, exceeding \$15,000;
- (E) any contract for architectural or engineering services;
- (F) any contract for start-up residential operations; and
- (G) any other contract appropriate for board approval as determined by the executive director.

(2) **Agency Approval.**

- (A) The board delegates authority to the executive director or his/her designee to approve all contracts not listed in paragraph (1) of this subsection.
- (B) The board delegates authority to the executive director or his/her designee to approve a contract listed in paragraph(1) of this subsection that is executed in response to an emergency as defined in 34 TAC §20.32.

(3) **Other Approvals.**

- (A) In accordance with Texas Government Code §321.020, all contracts involving the expenditure of funds for outside audit services require approval of the Texas State Auditor’s Office.
- (B) In accordance with Texas Government Code §402.0212, all contracts involving the expenditure of funds for outside legal services require approval of the Office of the Attorney General.

(e) **Authority to Execute Contracts.**

The board delegates authority to the executive director to execute all contracts for TJJJ. This authority may be delegated by the executive director to another member of the executive management team.

(f) **Annual Contract Plan.**

- (1) The executive director or his/her designee must present to the board for its review an annual plan that outlines TJJJ’s anticipated contracting actions for the next fiscal year.
- (2) As deemed necessary by the executive director or his/her designee, updates to the contract plan may be provided to the board for review periodically throughout the fiscal year.

(g) **Adoptions by Reference and Statutory Citations Relating to Contracting Responsibilities.**

(1) **Competitive Solicitations.**

- (A) TJJJ complies with Texas Government Code Chapters 2155 and 2156, relating to the competitive bidding process and types of solicitations used and Texas Government Code §2252.002, relating to awards of contracts to nonresident bidders.
- (B) TJJJ adopts by reference 34 TAC §20.391, relating to requests for offers.

(2) **Historically Underutilized Businesses.**

TJJJ adopts by reference 34 TAC Chapter 20, Subchapter B, relating to historically underutilized businesses.

(3) **Consulting Services.**

- (A) TJJJ complies with Texas Government Code Chapter 2254, Subchapter B, relating to consulting services contracts.
- (B) TJJJ adopts by reference 34 TAC §5.54, relating to consulting services contracts.

(4) **Professional Services.**

TJJJ complies with Texas Government Code Chapter 2254, Subchapter A, within the scope of the practice of accounting; architecture; landscape architecture; land surveying; medicine; optometry; professional engineering; real estate appraising; professional nursing; or 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.

(5) **Construction Services.**

In awarding contracts for the construction of buildings and improvements, TJJJ awards the contracts in accordance with Texas Government Code Chapter 2166, relating to building construction and acquisition.

(6) **Rate Setting.**

TJJD complies with Texas Government Code §2261.151(a), relating to payment and reimbursement methods and rates.

(7) **Exemptions from Competitive Bidding Process for Youth Services.**

In accordance with Texas Government Code Chapter 2155, Subchapter C, relating to certain exemptions from competitive bidding, TJJD may purchase care and treatment services for youth committed to its care at rates not to exceed any maximum provided by law, based on each provider's qualifications and demonstrated competence.
