



**LEGISLATIVE BUDGET BOARD
CONTRACTS OVERSIGHT TEAM
FREQUENTLY ASKED QUESTIONS
2024–25 BIENNIUM**

EIGHTY-EIGHTH LEGISLATURE

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- (19) How should a blanket contract be reported?
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QUESTIONS REGARDING CONTRACTS OVERSIGHT**(1) WHAT IS THE ROLE OF THE LBB CONTRACTS OVERSIGHT TEAM?**

The LBB Contracts Oversight Team monitors procurements and conducts in-depth analysis of certain contracts. The team may request targeted documentation in addition to what is reported in the Contracts Database. The team's goal is to work with state entities to help mitigate or remediate issues identified through in-depth analysis. LBB staff do not have an approval role but are required to notify the LBB, Office of the Governor, and Comptroller of Public Accounts about any unmitigated risks. The team also may make budget and policy recommendations to improve the framework and requirements related to procurement or to individual agencies' processes for administration and oversight.

(2) WHAT IS THE LBB CONTRACTS DATABASE?

The Contracts Database is the single point of data entry for all contract information that state entities are required to report to the LBB either by statute or the GAA.

(3) HOW IS DATA IN THE CONTRACTS DATABASE USED?

As required by statute, data is publicly available and can be queried in several ways and downloaded into Microsoft Excel for analysis. LBB staff use the data to monitor compliance with reporting requirements, identify risks for certain contracts, and monitor the use of appropriations.

QUESTIONS REGARDING THE CONTRACTS DATABASE**(1) WHAT IS THE INTERNET ADDRESS FOR THE CONTRACTS DATABASE?**

The Internet address for the Contracts Database is www.lbb.texas.gov/Contract_Reporting.aspx

(2) HOW DOES A USER OBTAIN A USER ID AND PASSWORD FOR THE CONTRACTS DATABASE?

To use the Contracts Database, a user must have a user ID and password issued by the LBB. If a user does not have a user ID and password, the user can request one online. To request a user ID or to add access for Contracts, navigate to <http://loginreqagy.lbb.texas.gov/> and follow the instructions.

If a user already has access to other LBB applications such as ABEST, Fiscal Notes, or Revenue Survey, the user's ID and password for the Contracts Database will be the same. The user must request additional access for Contracts if access is not included in the user's current ID.

(3) WHAT IS THE RELATIONSHIP BETWEEN THE CONTRACTS DATABASE AND THE CENTRALIZED ACCOUNTING PAYROLL/PERSONNEL SYSTEM (CAPPS)?

The Contracts Database is made up of a subset of the data elements contained in CAPPS Central. The LBB and the Comptroller of Public Accounts have synchronized the Contracts Database with CAPPS, so that data entered in CAPPS Central automatically is copied into the LBB's Contracts Database. This synchronization significantly reduces the required data entry for agencies participating in CAPPS Central.

Please note that files or documents attached in CAPPS will not copy from CAPPS to the Contracts Database. Therefore, documents such as contracts must be uploaded directly to the Contracts Database. CAPPS agencies also will need to review entries transferred to the database to ensure that all data is accurate and complete before submitting the record for public access.

QUESTIONS REGARDING CONTRACT REPORTING IN GENERAL

(1) WHAT CONTRACTS MUST BE REPORTED TO THE LBB?

Reporting requirements vary depending on contract type, dollar amount, and contracting entity. The *LBB Contract Reporting Guide* provides details on the types of contracts that must be reported to the LBB via the Contracts Database.

(2) IS AN AGENCY OR INSTITUTION THAT HAS NO CONTRACTS TO REPORT REQUIRED TO SUBMIT ANY INFORMATION IN THE CONTRACTS DATABASE?

An agency or institution that has no contracts to report is not required to submit any information in the Contracts Database. However, an agency or institution that chooses to do so may login to the Contracts Database using its LBB credentials and click on the No Contracts button located near the top right corner of the homepage. Additionally, the agency or institution may email contract.manager@lbb.texas.gov.

(3) DO AGENCIES OR INSTITUTIONS NEED TO REPORT LEASES?

The term "contract" is not defined for purposes of the contract reporting requirements contained in the Texas Government Code. Furthermore, although the GAA, Article IX, Sections 7.04 and 7.11, each list items considered to be contracts, neither of these lists is exhaustive and do not provide a complete definition of the term "contract." Leases, which fall within the dictionary definition of the term "contract," are therefore contracts for the purpose of these contract reporting requirement provisions.

(4) WHAT TYPES OF CONSTRUCTION PROJECTS ARE SUBJECT TO THE CONTRACT REPORTING REQUIREMENTS OF THE TEXAS GOVERNMENT CODE, CHAPTER 2166?

Building construction projects that are financed wholly or partly by a specific appropriation, a bond issue, or federal money are subject to the contract reporting requirements of the Texas Government Code, Chapter 2166. Such projects include the construction of buildings, structures, or appurtenant facilities or utilities, including the acquisition and installation of original equipment and original furnishings; and an addition to, or alteration, rehabilitation, or repair of, existing buildings, structures, or appurtenant facilities or utilities.

(5) HOW CAN A STATE ENTITY ENSURE THAT IT COMPLIES WITH THE VARIOUS REPORTING DEADLINES IN STATUTE AND THE GAA?

Contracts can be subject to reporting in accordance with multiple requirements that have differing reporting deadlines. State entities can comply with the spirit of the requirements by establishing regular reporting routines.

(6) HOW IS A CONTRACT THAT IS REQUIRED TO BE REPORTED TO THE LBB THROUGH TWO OR MORE REPORTING REQUIREMENTS REPORTED?

A contract that is required to be reported to the LBB through two or more reporting requirements needs to be reported to the LBB only once, in accordance with the most stringent of the requirements. When entering the contract data, be sure to indicate that the contract is subject to reporting through multiple requirements in the Reporting Requirement field.

(7) WHICH AGENCIES MUST PROVIDE COPIES OF CONTRACT AND SOLICITATION DOCUMENTS TO THE LBB?

The Texas Government Code, Section 322.020, requires agencies (other than the Texas Department of Transportation, health and human service agencies, and institutions of higher education and system offices) to provide the LBB with copies of the contract and solicitation documents for the following contracts:

- (1) a contract reportable to the LBB pursuant to the Texas Government Code (i.e., Sections 2054.008, 2166.2551, 2254.006, and 2254.0301); and

- (2) a contract not reportable to the LBB pursuant to the Texas Government Code with a value that exceeds \$50,000 and that is not:
 - a. a purchase order;
 - b. an interagency contract; or
 - c. paid with nonappropriated funds.

Please note: Section 322.020 does not excuse an agency from complying with other contract reporting provisions contained in the Texas Government Code and the GAA. Additionally, Section 322.020 does not preclude the LBB from requesting specific contracts, solicitations, or other supporting documents from state entities. Finally, if a contract is reportable to the LBB pursuant to two or more provisions, one of which is a provision of the Texas Government Code (i.e., Sections 2054.008, 2166.2551, 2254.006, and 2254.0301), the agency must provide a copy of the contract and the solicitation documents to the LBB via the Contracts Database.

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

(8) WHAT INFORMATION CAN AGENCIES AND INSTITUTIONS REDACT FROM CONTRACTS SUBMITTED VIA THE CONTRACTS DATABASE?

Agencies and institutions should redact only contract information that is exempt from disclosure pursuant to Texas statutes pertaining to public information (e.g., the Texas Government Code, Chapter 552) or other laws. The LBB's Contracts Oversight team can provide guidance in response to questions of a general nature pertaining to contract reporting requirements. If an agency or institution needs clarification regarding the redaction of specific contract information, the LBB suggests that it consult its general counsel or the Office of the Attorney General's Open Government Hotline (877-673-6839). Please note that the LBB may choose to request unredacted copies of specific contracts at a later time for purposes of internal review and analysis.

(9) DOES A STATE ENTITY THAT IS EXEMPT FROM SUBMITTING CONTRACT OR SOLICITATION DOCUMENTS (PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 322.020(f)) STILL NEED TO SUBMIT AN ATTESTATION LETTER AS REQUIRED BY THE GAA, ARTICLE IX, SECTION 7.11?

Even if a state entity is exempt from submitting certain contract or solicitation documents, it is required to submit an attestation letter pursuant to the GAA Article IX, Section 7.11, for all contracts for which the section requires reporting. All agencies and institutions are required to include the contract documents and solicitations as part of the attestation. This provision has no exceptions.

(10) WHEN DOES A STATE ENTITY HAVE TO PROVIDE AN ATTESTATION FORM PURSUANT TO THE NOTICE REQUIREMENT OF THE GENERAL APPROPRIATIONS ACT, ARTICLE IX, SECTION 7.11?

A state entity has to provide the notice required by Section 7.11, including an attestation form, before the date on which the first payment of the contract will be made, and no later than 30 calendar days after the date on which the contract is awarded; or within five days of award if the contract or purchase order was made as a result of an emergency or following an emergency procedure authorized by statute. For contract payments made before September 11, 2015, a state entity must provide notice at least 10 days before making such payment or September 11, 2015, whichever is later; or within five days of award if the contract or purchase order was the result of a statutorily recognized emergency. After notice has been provided for the contract payment made on or after September 1, 2015, further notice is not required unless the contract is amended, or an extension or renewal is exercised.

(11) CAN ONE ATTESTATION LETTER BE USED FOR MULTIPLE CONTRACTS?

A separate attestation letter must be signed by the designated official for each procurement that reaches the thresholds set in the GAA, Article IX, Section 7.11. If a single procurement results in multiple contract awards, then a single attestation may cover those subsequent contracts. Each contract must be reported separately to the LBB Contracts Database and include a copy of the attestation letter.

(12) IS IT PROPER FOR A STATE ENTITY TO MAKE CERTIFICATIONS FOR PROCUREMENT PROCESSES FOR CONTRACTS EXECUTED IN THE PAST, AT A TIME THE EXECUTIVE DIRECTOR WAS NOT EMPLOYED BY THE ENTITY AND FOR WHICH THE DIRECTOR HAS NO DIRECT KNOWLEDGE?

The GAA, Article IX, Section 7.11(c), requires the executive director of the agency or other similar agency or institution administrator or designee of the agency or institution of higher education to make certain certifications regarding the procurement processes of contracts entered by the agency or institution required to be reported pursuant to that section. This requirement has no exceptions. Accordingly, a director who was not employed by the state entity at the time the contract was procured and who does not have direct knowledge of the contract must take all necessary steps (e.g., reviewing the state entity's records, interviewing employees

directly involved with the procurement process, etc.) to obtain the requisite knowledge to make the certifications in good faith. Alternatively, the director may delegate the duty to a designee to make the certifications. After taking these steps, if the director still cannot make the certifications in good faith, the director may strike through any portions of the attestation form that cannot be certified and attach a detailed explanation identifying the areas of the procurement process which the director finds to be deficient.

(13) HOW CAN A STATE ENTITY MAKE CERTIFICATIONS FOR PROCUREMENT PROCESSES THAT ARE STATUTORILY EXEMPT FROM THE REQUIREMENTS OF THE STATE OF TEXAS PROCUREMENT AND CONTRACT MANAGEMENT GUIDE?

The *State of Texas Procurement and Contract Management Guide* recognizes that some procurements are exempt from competitive bidding. Following the proper noncompetitive procedures fulfills the guide's requirements. The state entity also must attest that the procurement followed all other applicable statutes, rules, policies, and procedures.

(14) DO CONTRACTS REPORTED TO THE CONTRACTS DATABASE NEED TO INCLUDE PROPOSALS AND BID RESPONSES AS ATTACHMENTS?

Unless proposals and bid responses are incorporated into the final contract either explicitly or by reference, they do not need to be provided initially when reporting contract information to the Contracts Database. However, the LBB may request these documents at a later time.

(15) HOW IS THE CONTRACT AMOUNT CALCULATED IN DETERMINING WHETHER A CONTRACT MEETS A REPORTING THRESHOLD?

The value that should be used to determine whether a contract meets a reporting threshold is the maximum contract value, which includes the value of the contract, amendments, and *all* extensions or renewals even if not exercised (i.e., the total amount both currently and potentially obligated). Maximum contract value can be distinguished from current contract value, which is a required field in the Contracts Database and includes the value of the contract, any amendments, and *any exercised* extensions or renewals (i.e., the total amount currently obligated).

(16) DOES A CONTRACT PAID USING FUNDS NOT APPROPRIATED THROUGH THE GAA NEED TO BE REPORTED?

Although a copy of the contract is not required to be attached to the database entry pursuant to the Texas Government Code, Section 322.020, the contract must be reported if required by the GAA, Article IX, Sections 7.04 or 7.11, or any other statutory provisions. Copies of the contract documents and solicitations are required to be included as part of the attestation pursuant to Section 7.11 effective September 1, 2017.

(17) DOES A CONTRACT THAT REQUIRED LBB APPROVAL PRIOR TO EXECUTION NEED TO BE REPORTED?

A contract that required LBB approval before execution must be reported. GAA reporting requirements make no exceptions for such contracts. The LBB Contracts Database is the single portal for reporting contract information to the LBB.

(18) DOES A STATE ENTITY HAVE TO REPORT EMERGENCY OR NONCOMPETITIVELY BID CONTRACTS WITH A VALUE GREATER THAN \$1.0 MILLION AND LESS THAN OR EQUAL TO \$10.0 MILLION PURSUANT TO THE GAA, ARTICLE IX, SECTION 7.11, FOR WHICH THE ENTITY IS LEGALLY RESTRICTED TO CONTRACTING WITH A SPECIFIC ENTITY?

A state entity is required to report emergency or noncompetitively bid contracts with a value greater than \$1.0 million and less than or equal to \$10.0 million pursuant to the GAA, Article IX, Section 7.11, for which the state entity is legally restricted to contracting with a specific entity.

(19) HOW SHOULD A BLANKET CONTRACT BE REPORTED?

A blanket contract is a contract for a good or service for which agencies have a repetitive need. A blanket contract has a maximum contract value AND may be awarded to multiple vendors. Such a contract should be reported when it is executed.

(20) HOW SHOULD A FEE-FOR-SERVICE OR SUBSCRIPTION CONTRACT BE REPORTED?

A zero-dollar contract does not contain a maximum contract value. Such a contract should be reported when actual cumulative expenditures meet one of the reporting requirements established by statute or the GAA, Article IX, Sections 7.04 or 7.11. The LBB will coordinate with state entities that report many zero-dollar contracts that may exceed reporting thresholds to establish reporting schedules.

(21) HOW SHOULD A CONTRACT WITH PERIODIC PAYMENTS AND NO COMPLETION DATE (e.g., TELEPHONE CONTRACTS, UTILITIES CONTRACTS, SUBSCRIPTION SERVICES) BE REPORTED?

A contract with periodic payments and no completion date should be reported to the LBB Contracts Database at the beginning of each fiscal year as a separate contract entry, not as an amendment. An agency should

estimate the cost of the goods or services during the fiscal year and enter this value in both the Current Contract Value and Maximum Contract Value fields.

(22) HOW SHOULD TEXAS SMART BUY PURCHASES BE REPORTED?

Texas Smart Buy purchases are made through a statewide contract negotiated by the Comptroller of Public Accounts. Such a purchase should be reported if it meets one of the reporting requirements established by statute or the GAA, Article IX, Sections 7.04 or 7.11. When reporting these contracts, the Yes response should be selected in the field asking if the contract was competitively bid.

(23) HOW SHOULD PURCHASES UNDER DIR COOPERATIVE CONTRACTS BE REPORTED?

Master contracts awarded by the Department of Information Resources should not be reported to the Contracts Database. However, state entities that buy goods or services through such contracts should report the purchases to the Contracts Database if the purchases meet one of the reporting requirements established by statute or the GAA, Article IX, Sections 7.04 or 7.11. DIR Cooperative Contracts are competitively bid by qualified vendors and negotiated with DIR for ease of procurement by eligible customers; therefore, LBB Contracts Database reporting of this type of agreement should be indicated in the Competitive/Noncompetitive field with a Yes response.

QUESTIONS REGARDING CONTRACT REPORTING SPECIFIC TO THE CONTRACTS DATABASE

(1) IS THERE A WAY TO BULK UPLOAD CONTRACT INFORMATION TO THE CONTRACTS DATABASE THROUGH THE USE OF A SPREADSHEET PROGRAM SUCH AS MICROSOFT EXCEL?

Due to duplicate entries and other issues relating to the integrity of Contracts Database records, the LBB does not offer a bulk upload feature in its Contracts Database. However, the LBB and the Comptroller of Public Accounts have synchronized the Contracts Database with CAPPs Central. If a state entity is a high-volume contractor, the LBB will collaborate with the entity to establish a schedule for contract information submission.

(2) HOW SHOULD A CONTRACT AMENDMENT THAT DOES NOT AFFECT THE CONTRACT TERM, MAXIMUM VALUE, OR OTHER DATA ELEMENTS IN THE CONTRACTS DATABASE BE REPORTED?

When a contract is amended but none of the fields previously reported to the Contracts Database are affected by the change, report the amendment by using the amend feature in the database. Do not change any of the data fields, then attach the new amendment to the contract record. This action will ensure that the public database displays the contract and all contract documents and amendments.

(3) HOW IS CONTRACT INFORMATION REPORTED FOR A VENDOR THAT IS NOT LISTED IN THE CONTRACTS DATABASE?

The LBB obtains a vendor list from the Comptroller of Public Accounts for use in its database daily. If a vendor cannot be located in the Contracts Database, try searching again the following day. If the vendor still cannot be located in the Contracts Database the following day, please contact LBB staff for assistance. Institutions of higher education can enter vendors unique to the institution after searching the vendor list and indicating that the vendor did not exist in the data set.

(4) WHAT NUMBER SHOULD BE ENTERED IN THE CONTRACTS DATABASE'S PURCHASE REQUISITION # FIELD IF THERE IS NO PURCHASE REQUISITION?

If no purchase requisition is associated with the contract, enter the number the agency or institution uses to track the contract internally. Note that this number may be the Contract ID number.

(5) WHAT DATE SHOULD BE ENTERED IN THE CONTRACTS DATABASE'S REQUISITION DATE FIELD IF THERE IS NO PURCHASE REQUISITION?

If no purchase requisition is associated with the contract, enter the date the agency or institution internally decided to contract for the goods or services, prior to the execution of the contract.

(6) WHAT AMOUNT SHOULD BE ENTERED IN THE CONTRACTS DATABASE'S CURRENT CONTRACT VALUE FIELD?

The amount to be entered in the Contracts Database's Current Contract Value field should include the value of the contract, any amendments, and *any exercised* extensions or renewals (i.e., the total amount currently obligated). Current contract value can be distinguished from the maximum contract value, which is used for determining whether a contract meets a reporting threshold and includes the value of the contract, amendments, and *all* extensions or renewals (i.e., the total amount both currently and potentially obligated).

(7) WHAT AMOUNT SHOULD BE ENTERED IN THE CONTRACTS DATABASE'S MAXIMUM CONTRACT VALUE FIELD?

The amount to be entered in the Contracts Database's Maximum Contract Value field should include the value of the contract, amendments, and *all* extensions or renewals (i.e., the total amount both currently and

potentially obligated). The maximum contract value should be used for determining whether a contract meets a reporting threshold. Maximum contract value can be distinguished from current contract value, which includes the value of the contract, any amendments, and any *exercised* extensions or renewals (i.e., the total amount currently obligated).

(8) WHAT SHOULD BE ENTERED IN THE CONTRACTS DATABASE'S SOLICITATION DATE FIELD IF THE CONTRACT DOES NOT HAVE A SOLICITATION DATE?

If a contract does not have a solicitation date, leave the Solicitation Date field blank and check the box marked N/A next to the field.

(9) WHAT SHOULD BE ENTERED IN THE CONTRACTS DATABASE FOR A CONTRACT THAT IS AWARDED WITHOUT BIDS?

If a contract is awarded without bids, enter 1 in the # of Bids Received field and check the N/A box next to the blank Solicitation Date field.

(10) DOES THE COMPLETION DATE FIELD NEED TO BE UPDATED IN THE CONTRACTS DATABASE FOR A CONTRACT THAT IS COMPLETED BEFORE ITS COMPLETION DATE?

The contract completion date field does not need to be updated in the Contracts Database if a contract is completed before its completion date. However, if a contract is amended, the amended contract should include the updated completion date at the time of the amendment.

(11) WHAT SHOULD BE ENTERED IN THE CONTRACTS DATABASE IF NONE OF THE PURCHASE CATEGORY CODES APPLY TO THE CONTRACT?

If none of the purchase category codes are applicable to the contract, select 0 from the drop-down menu shown in the Purchase Category Code field.

(12) HOW ARE REQUIRED DOCUMENTS ASSOCIATED WITH THE CONTRACTS SUBMITTED IN THE CONTRACTS DATABASE?

Use the add attachments feature of the Contracts Database to attach documents associated with contracts. The required documents can be collated and submitted as a single file, or they may be submitted as multiple files. Agencies should submit PDFs of the documents that are searchable and use a naming convention that readily identifies the content of the files (e.g., attestationletter.pdf, contract.pdf, amendment1.pdf, etc.). The required documents do not have to be submitted in a particular order.

(13) WHAT ATTACHMENT FORMATS ARE ALLOWED IN THE CONTRACTS DATABASE?

Attachments in Microsoft Excel, Microsoft Word, or PDF format are welcomed in the Contracts Database. PDF files should be in a text-searchable (non-scanned) format.

(14) HOW SHOULD MULTIYEAR CONTRACTS BE REPORTED IN THE CONTRACTS DATABASE?

When a user enters a contract's award and completion dates, the Contracts Database calculates the effective term of the contract. The Contracts Database requires users to report the estimated allocation of the current contract value for each year of the contract. Note that the sum of amounts for each of the years must equal the total current contract value. Estimates for allocated funds by year do not need to be updated unless the contract is amended.

(15) HOW SHOULD CONTRACT RENEWALS BE REPORTED IN THE CONTRACTS DATABASE?

When a contract is renewed, find the original contract in the Contracts Database, and amend the contract by updating any data fields that have been changed by the renewal. Additionally, attach any required documents (e.g., the contract for renewal). Be sure to report only renewals that *have been executed*, not options to renew contained in the contract.

(16) HOW SHOULD A CONTRACT THAT IS TERMINATED BE REPORTED IN THE CONTRACTS DATABASE?

A contract that has been terminated has to be amended in the Contracts Database to show the termination, including the attachment of documents indicating the termination of the contract.

(17) HOW SHOULD CONTRACTS THAT HAVE BEEN TRANSFERRED FROM ONE STATE ENTITY TO ANOTHER BE REPORTED IN THE CONTRACTS DATABASE?

Contracts that have been transferred from one state entity to another will be addressed by case. Please contact LBB staff for assistance with reporting such contracts.

(18) ARE CONTRACTS THAT EXPIRE DELETED FROM THE CONTRACTS DATABASE?

Contracts that expire are not deleted from the Contracts Database; they are maintained both for historical and data analysis purposes.

(19) HOW SHOULD AN ERROR IN DATA ENTRY FOR CONTRACT INFORMATION SUBMITTED TO THE LBB VIA THE CONTRACTS DATABASE BE CORRECTED?

If a technical correction needs to be made to a submitted entry, do not use the amend feature to modify the contract information. Please contact the LBB for assistance either by calling staff at (512) 463-1200 or emailing contract.manager@lbb.texas.gov.