

THE STATE OF TEXAS

MISCELLANEOUS
AUTHORIZATION TO USE QISV CATALOG
PURCHASING PROCEDURES
PURCHASING

COUNTY OF COLLIN

On **July 23, 2001**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

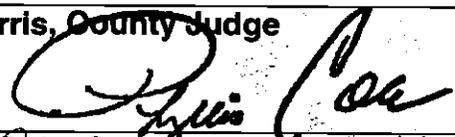
Ron Harris NOT PRESENT
Phyllis Cole
Jerry Hoagland
Joe Jaynes
Jack Hatchell

County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

During such session the court considered a request to approve utilizing the State of Texas Qualified Information Systems Vendor (QISV) catalog purchasing procedures.

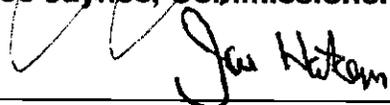
Thereupon, a motion was made, seconded and carried with a majority vote of the court approving the utilization of the State of Texas Qualified Information Systems Vendor (QISV) catalog purchasing procedures. Same is hereby approved in accordance with the attached documentation.

NOT PRESENT

Ron Harris, County Judge


Phyllis Cole, Commissioner, Pct. 1


Jerry Hoagland, Commissioner, Pct. 2


Joe Jaynes, Commissioner, Pct. 3


Jack Hatchell, Commissioner, Pct. 4

ATTEST:



Helen Starnes, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S

X. LEGAL BASIS FOR PURCHASING

A. Title 10, Vernon's Revised Civil Statutes, Chapter 2254-Professional and Consulting Services

Counties may not bid contracts for professional services; it must select the most highly qualified provider for requested services and then negotiate a contract. Contracts must be awarded on the basis of "demonstrated competence and qualification to perform the service." Fees must be "fair and reasonable", consistent with and not in excess of, published recommended practices fees of applicable professional organizations, and not in excess of any maximums specified by state law. "Professional services" includes services within the scope of the practice of: accounting, architecture, land surveying, optometry, medicine, or professional engineering. This includes services performed by any licensed architect, land surveyor, optometrist, physician, surgeon, certified public accountant or registered professional engineer in connection with his or her professional employment or practice.

B. Purchase Under State Contract*, LGC Chapter 271, (D)

The State Purchasing and General Services Commission may perform purchasing services for local governments (including counties). A County which purchases under state contract satisfies all competitive bidding laws.

Per Article 601b, Section 3.081, the State Purchasing and General Services Commission may perform purchasing services regarding the sale or lease of automated information systems using "catalogue purchasing procedures". A vendor must apply for and receive certification by the General Services Commission in order for them to participate in catalogue purchasing. Once certified, the County may compare various vendor's catalogue pricing in order to determine the lowest and most responsible vendor for the automated information system related purchase.

C. Conflict of Interest, LGC Chapter 171

Ownership of certain property or business interests may require that a local public official refrain from participation in votes or decisions and/or refrain from certain acts if the vote, decision or act involves the business interests or property owned by the public official or by a person related to the public official within the first degree of consanguinity or affinity. A person is deemed to have a substantial interest in a "business entity" if:

1. Ownership of ten per cent (10%) or more of voting stock or shares of the business entity, or ownership of 10% or more or \$5,000 or more of the fair market value of the business entity.
2. Proceeds received from the business entity exceed ten per cent (10%) of the person's gross income for the prior year.

3. A person is deemed to have a substantial interest in real property if the interest, whether involving equitable or legal ownership, has a fair market value equal to or exceeding \$2,500. A local public official is deemed to have a substantial interest in the business entity or in land if a person related to the official within the first degree by consanguinity or affinity has a substantial interest in said business entity or land as defined above.

If the local public official has a substantial interest in a business which seeks to do business with the County, the official must file with the County clerk an affidavit stating clearly the nature and extent of his interest. The public official must then abstain from participation in any matter involving or between the County and the business in which he has the substantial interest. In particular, this includes abstention from votes or other decisions regarding the business entity, if it is reasonably foreseeable that action taken on the matter would or might confer an economic benefit on the business. The official must not act as surety for the business if it has work, business or contracts with the County. An official may not knowingly act as a surety on any official bond required of an officer of the County. A violation of any of these is a crime (CLASS A misdemeanor). (See Section XI, Samples)

The County Commissioners' Court may, however, contract for services or personal property with a business entity in which a member of the Court has a substantial interest if the business entity is the only business entity which can provide the needed service or property within the jurisdiction of the Commissioners' Court, and bids on the contract.

The Commissioners' Court must take a separate vote on any budget item which is specifically concerned with a contract involving a business entity in which a member of the Court has a substantial interest. The Commissioner having the substantial interest may not participate in that separate vote; he may, however, vote on the final budget if he has otherwise complied with the requirements of LGC 171, some of which are indicated above, and the matter regarding the business entity with which the member is concerned by virtue of his substantial interest has been resolved.

* Citation to "articles" are to Tex. Rev. Civ. Stat. Ann.; citations to "Code" or "LGC" are to the newly codified Local Government Code.

"Local public official" includes members of the County governing body or other County officers, whether elected or appointed, paid or unpaid.