

# Texas Multiple Award Schedule Contracts PCC X

## **Introduction**

The TXMAS (Texas Multiple Award Schedule) Program adapts existing competitively awarded government contracts to the procurement needs of the State of Texas. Unlike some other purchasing methods, purchases made from TXMAS contracts do not require delegated authority from the TBPC to make purchases over \$25,000 for commodities and \$100,000 for services. To be considered for the TXMAS Program, an existing contract must be:

1. Awarded by the federal government or any other governmental entity in any state.
2. Awarded using a competitive process.
3. Adaptable to the laws of the State of Texas.<sup>1</sup>

Each TXMAS contractor is required to produce a TXMAS vendor catalog. Vendor catalogs contain the information needed to place order:

- Item specifications.
  - Ordering procedures.
  - Invoicing procedures.
  - Contact information for making purchases and for customer service.
- Terms and Conditions: If any information is needed in reference to the Terms and Conditions, please contact the contract holder or the TXMAS Coordinator at (512) 463-3421.

Vendor catalogs are available on the [TXMAS Contracts By Schedule](#).<sup>2</sup>

## **GSA (General Services Administration) Contracts**

The vast majority of TXMAS Contracts are adapted from GSA (General Services Administration) Federal Supply Service contracts. For this reason, it is common for a vendor's TXMAS catalog to be nearly identical to its GSA catalog. For contracts adapted from GSA contracts, the TXMAS prices must be identical to those on the GSA Schedule. These are the MFC (most favored customer) prices and are the maximum prices allowed.<sup>3</sup>

For information regarding negotiating lower prices for TXMAS contract items, see

subheading **Negotiating Price with TXMAS Vendors.**

### Purchasing from Existing TXMAS Contracts

#### **TXMAS Purchases \$5,000 and Below**

1. Consider purchasing the product or service from the TIBH (Texas Industries for the Blind and Handicapped) or TCI (Texas Correctional Industries) catalogs in accordance with applicable statutes. See Section 2.5, “Special Purchases for TIBH and TDCJ/TCI,” for more information.
2. Issue a PO to the selected TXMAS contractor using your agency’s procedures for purchases \$5,000 and below.

#### **TXMAS Purchases Over \$5,000**

1. Consider purchasing the product or service from the TIBH (Texas Industries for the Blind and Handicapped) or TCI (Texas Correctional Industries) catalogs in accordance with applicable statutes. See Section 2.5, “Special Purchases for TIBH and TDCJ/TCI,” for more information.
2. If the product or service is available from a TBPC Term Contract, record the price for your best value evaluation.
3. Search the [TXMAS Contracts Web Page](#)<sup>4</sup> for the required product or service. If you are working with a new TXMAS contractor who does not yet have a listing on the [TXMAS Contracts Web Page](#) send a request to that vendor for a catalog. Vendors who are within their 15-day grace period for establishing a TXMAS Web Page are responsible for sending their catalog(s) to you upon request.
4. Obtain a price quote from as many TXMAS vendors as are necessary to provide best value to the State. Document all price quotes in your purchasing file. If the TXMAS contractor’s website is not shown on the [TXMAS Contracts Web Page](#), they must include a copy of the TXMAS contract award notice with their price quote.
5. File each price quote in the PO file. If no TXMAS vendors provide the product or service, go to subheading Proposing New TXMAS Contracts
6. Evaluate the quote(s) for best value. If the product or service is available from a TBPC Term Contract and provides the best value, purchase from the TBPC Term Contract.
7. Compare the best value quote with the price listed in the selected vendor’s TXMAS catalog. If the quoted price is equal to or less than the price listed in the vendor’s TXMAS catalog, make a note that you verified the price in your purchasing records. If the quoted price is higher than the price listed on the vendor’s TXMAS catalog, have the vendor generate a price quote that is consistent with their TXMAS pricing. Once the price has been corrected, note that you verified and then corrected the price in your purchasing records.

8. The TXMAS contractor is not required to accept orders below the minimum order limit shown on the contract page. Orders between the minimum and maximum order limits listed on the contract page are subject to TXMAS catalog pricing. For orders above the maximum limit, you are entitled to negotiate lower prices than those listed in the TXMAS catalog. See subheading **Negotiating Price with TXMAS Vendors** below for more information.

9. Document the basis for the best value determination in the PO file. Incidental, off-schedule items and services, installation or inside delivery and set up, may be purchased as "best value, open market" items provided that they are necessary for product warranty, system integration or product completeness. Your agency is responsible for ensuring that the quoted price for such incidental items is fair and reasonable. See subheading **Negotiating Price with TXMAS Vendors** below for more information. These incidental items and services may be added to the TXMAS purchase order if they are clearly labeled as "open market, best value" items.

10. Prepare a PO containing the following:

- a. The TXMAS Contract number.
- b. An NIGP Code for each purchased line item.

11. Send the PO directly to the TXMAS vendor listed on the TXMAS contract page.

12. Enter the PO into TBPC's on-line purchasing system, Impala, or fax a copy of the PO to TBPC at 512-236-6181.

13. If the PO exceeds \$25,000, post the Award Notice on the ESBD (Electronic State Business Daily).

### **TXMAS Information Technology Purchases**

The TXMAS Contracts are exempt from CISV (Catalog Information Systems Vendor) rules. Use the process in section "TXMAS Purchases \$5,000" or "TXMAS Purchases Over \$5,000" for information technology items purchased from a TXMAS Contract<sup>5</sup>.

### **TXMAS Proprietary Purchases**

1. Search the [TXMAS Contracts Web page](#)<sup>6</sup> for the required product or service.
2. If you find the proprietary product or service you need on a TXMAS Contract, prepare a letter justifying the proprietary purchase and obtain the appropriate procurement manager's signature. Retain this document in the PO file.
3. Prepare a PO containing the following:

- a. The TXMAS Contract number.
  - b. An NIGP Code for each purchased line item.
4. Send the PO directly to the TXMAS Vendor.
  5. Enter PO into TBPC's on-line purchasing system, Impala, or fax a copy of the PO to TBPC at 512-236-6181.
  6. If the PO exceeds \$25,000, post the Award Notice on the ESB (Electronic State Business Daily).

### **Negotiating Price with TXMAS Vendors**

You may negotiate with a TXMAS vendor on the price of:

- Incidental, non-TXMAS contract items and services, installations or inside deliveries and set ups that are required to facilitate TXMAS contract purchases.
- TXMAS contract goods and services that the vendor is offering through a promotional program.
- TXMAS contract goods and services in an amount that exceeds the contract's Maximum Order.

### **Proposing New TXMAS Contracts**

If you have a requirement that could be met by a competitively awarded government contract:

1. Verify that the requested contract is not already available as a TXMAS Contract.
2. Verify that the contract is:
  - a. Awarded by the federal government or any governmental entity of any state.
  - b. Awarded using a competitive process.
  - c. Adaptable to the laws of the State of Texas.<sup>7</sup>
3. If the potential contract meets the above criteria, contact the TXMAS Program at (512) 463-3421 to begin the process for awarding a TXMAS contract/

<sup>1</sup> Texas Government Code Title 10, Subtitle D, Sections [2155.062](#), [2155.502](#), [2155.504](#)

<sup>2</sup> [http://portal.tbpc.state.tx.us/txmas/txmas\\_index.asp](http://portal.tbpc.state.tx.us/txmas/txmas_index.asp)

<sup>3</sup> Texas Government Code Title 10, Subtitle D, Section [2155.504\(b\)](#) and Local Government Code Section

271.101

<sup>4</sup> [http://portal.tbpc.state.tx.us/txmas/txmas\\_index.asp](http://portal.tbpc.state.tx.us/txmas/txmas_index.asp)

5 Texas Government Code Title 10, Subchapter I, Section [2155.507](#)

6 [http://portal.tbpc.state.tx.us/txmas/txmas\\_index.asp](http://portal.tbpc.state.tx.us/txmas/txmas_index.asp)

<sup>7</sup> Texas Government Code Title 10, Subtitle D, Sections [2155.062](#), [2155.502](#), [2155.504](#)

Revised 09/26/06

Section 2.9.1