

## PROPOSED TRAVEL RULE REVISIONS

### TITLE 1. ADMINISTRATION.

#### PART 5. TEXAS BUILDING AND PROCUREMENT COMMISSION CHAPTER 125. SUPPORT SERVICES DIVISION - TRAVEL AND VEHICLE SUBCHAPTER A. TRAVEL MANAGEMENT SERVICES

##### <\*>125.1. Purpose and Applicability.

(a) Purpose. This subchapter governs the use of contract travel services and state travel charge [~~credit~~] cards by state officials and employees and other eligible persons. Contract travel services may include state charge [~~credit~~] cards, travel agencies, airlines, vehicles, internet based reservation and ticketing, lodging and other modes and necessities of state business related travel. The purpose of this subchapter is to encourage travelers to obtain the lowest overall cost of travel services. These rules do not alter, amend or affect the requirements in Government Code, Chapter 660 relating to travel or the Comptroller's [~~comptroller's~~] statutes and rules.

(b) Applicability. This subsection defines the persons and entities eligible to use contract travel services.

(1) State Agencies. State agency officials and employees, in the executive branch, shall use the contract travel services as required by this subchapter whenever those services provide the most efficient travel resulting in the total lowest cost. State agencies may and are encouraged to purchase travel services at rates lower than the contract travel services rates.

(2) Other Governmental Entities. Officers and employees of the following entities may, but are not required to, participate in the travel services pursuant to this subchapter. These entities may use contract travel services upon TBPC approval of their application for the use of contract travel services.

(A) an institution of higher education as defined in Education Code <\*>61.003 when the entity uses travel agency services or when the services are purchased from funds other than general revenue or education or general funds as defined by Education Code <\*>51.009.

(B) Employees Retirement System when the travel is paid from other than general revenue funds;

(C) counties;

(D) municipalities;

(E) public junior colleges;

(F) school districts;

(G) emergency communication districts; and

(H) the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and other entities in the judicial branch.

(c) Official Government Business. Contract travel services shall be used only for official governmental business, unless the travel services contractor offers the same services for personal use. No contractor is required to allow the use of contract travel services for other than official governmental business.

#### <\*>125.2. Definitions.

The following words and terms, used in this subchapter, are defined as follows unless the context clearly indicates otherwise.

(1) Comptroller--The Comptroller of Public Accounts of the State of Texas.

(2) Contractor--An individual or entity under contract with TBPC for the provision of travel services.

(3) Contract travel services--The travel services provided pursuant to TBPC contracts that guarantee prices and levels of services for all eligible entities and individuals.

(4) Force Majeure event--Any acts of god, war, riot, strike, or other event beyond the control of a contractor and that could not reasonably have been anticipated or avoided and which, by the exercise of all reasonable due diligence, such contractor is unable to overcome.

(5) Official government business--Business required in the scope and course of the traveler's employment that is properly authorized by the employing governmental entity.

(6) State agency--State agency means any department, commission, board, office, council or other agency in the executive branch of state government created by the constitution or by statute that is required to use contract travel services pursuant to Government Code <\*>2171.055.

(7) State employee--Any person employed by a state agency, or an elected or appointed official.

(8) State travel charge [~~credit~~] card--A charge [~~credit~~] card account issued to an individual or a governmental entity by a contract travel charge [~~credit~~] card contractor.

~~[(9) State travel directory--A TBPC publication that lists current available contract travel services.]~~

~~(9)[(10)] TBPC--Texas Building and Procurement Commission.~~

~~(10)[(11)] Traveler--Any person eligible to use contract travel services, including those eligible pursuant to the Comptroller's ~~[comptroller's]~~ travel allowance guide.~~

### <\*>125.3. Exceptions to the Use of Contract Travel Services.

(a) Purpose and Applicability. This section provides exceptions to use of contract travel services. These exceptions apply to the use of any contract travel services. When travel services are obtained at a lower total cost than the cost of contract travel services, no reporting of exceptions is required. Exceptions must be documented only when the total cost is greater than contract travel services rates. Nothing in this section affects or alters the authority of the Comptroller ~~[comptroller]~~ regarding travel reimbursement or audit agreements.

(b) Lower Cost to the State. State agencies may use any travel services obtained at a price lower than the contract travel services price. State agencies are encouraged to obtain lower priced travel services through the use of fourteen day or other advanced reservations programs, promotional price reductions, or any method that provides a lower overall cost of travel.

(c) Unavailability of Contract Travel Services. The contract travel services are not available during the time or at the location necessary for the business purpose; or the contract travel service does not provide for the service required; or because the contractor is unable to provide the contract services due to a force majeure event.

(d) Special Needs. The traveler's health, safety, physical condition or disability requires accommodations, including medical emergency or other necessary services, not available from contract travel service contractors.

(e) Custodians of Persons. The traveler has custody of a person pursuant to statute or court order and the traveler is required to provide a degree of security and safety that is not available from contract travel service contractors.

(f) In Travel Status. The traveler is in the course of travel and changes in scheduling render the use of contract travel services impractical or the appropriate travel services are not available. The traveler shall make reasonable efforts to secure rates equal to or lower than the contract travel service rates.

(g) Group Program. The traveler is using a group program wherein reservations were made through a required source to obtain a particular rate or service.

(h) Emergency Response. The traveler is responding to a public health or safety emergency situation.

(i) Legally Required Attendance. The traveler is required by a court, administrative tribunal or other entity to appear at a particular time and place without sufficient notice to obtain contract travel services.

~~<\*>~~125.4. State Agency Contracts and Requests for Exceptions. NO CHANGE.

(a) Other Contracts. A state agency, required to participate in contract travel services, shall not enter into a contract for travel services without prior approval of TBPC. TBPC shall consider whether the proposed contract offers the best value for the State and the impact of the proposed contract on existing travel service contracts. A state agency may request TBPC to establish contract services with a particular contractor.

(b) Requests for Additional Exceptions. A state agency shall make a written request to TBPC for additional exceptions, not provided in ~~<\*>~~125.3 of this subchapter, when the agency offers a reasonable justification for the need for the exception. Additional exceptions may not be granted for longer than the term of existing contracts.

~~<\*>~~125.5. State Agency Travel Coordinators.

(a) State agencies shall designate an employee as the travel coordinator, who shall serve as the single point of contact between the TBPC travel management program and the agency for disseminating and collecting travel data and information. State agencies shall provide TBPC with the travel coordinator's name, telephone number, e-mail address, ~~[mobile telephone number]~~ and other requested and relevant contact information.

(b) State agencies, in cooperation with TBPC, shall provide training to travel coordinators to ensure that:

(1) agency employees receive current travel information;

(2) contract travel services are used in accordance with this subchapter;

~~[(3) travel data reports are submitted in compliance with this subchapter;]~~

~~(3)~~<sup>(4)</sup> agency travel activity is monitored for compliance with this subchapter and other applicable laws and rules; and

(4)[(5)] complaints, concerns or other information relevant to achieving the efficient and economical travel services for the state are reported to TBPC.

(c) State agencies shall cooperate with TBPC by allowing travel coordinators to participate in travel advisory, proposal evaluation, education and any other groups needed to assist TBPC in contracting for the most economical, efficient and useful travel services.

#### <\*>125.6. State Agency Reimbursement and Reporting

(a) State agency officials and employees shall adhere to applicable laws and the regulations and guidelines of the Comptroller of the State of Texas governing travel vouchers.

(b) Reimbursement for Travel Expenses. State agencies shall not approve and the Comptroller shall not pay travel vouchers for services at rates higher than contract rates, unless an exception in <\*>125.3 or <\*>125.4 applies. Travel vouchers submitted for reimbursement shall indicate the claimed exception in a manner prescribed by the Comptroller.

(c) Audits. The Comptroller may conduct pre-payment and post-payment audits of travel reimbursement requests; the audits may include a review of the propriety of claimed exceptions from the use of contract travel services.

(d) False Claims for Reimbursement. All claims for travel reimbursement are subject to the Government Code <\*>403.071 relating to claims and available money. Any person who knowingly makes a false claim against the State is subject to the penalties in Government Code <\*>403.071(f) and other applicable laws.

~~[(e) Monthly reporting. The reports required by this subsection are for those travel services not charged to a state travel credit card.~~

~~(1) State agencies shall report the expenditures, as the total dollars spent, and activities, as the total number of trips and days of rental or lodging, relating to travel services as follows:~~

~~(A) Air, bus and rail travel: total dollar spend and total number of trips;~~

~~(B) Rental car: total dollar spend, total number of trips, and total rental days;~~

~~(C) Hotel/lodging: total dollar spend, total lodging trips; total number of nights;~~

~~(D) Travel reservation and booking fees: total dollar spend and total number of reservations.~~

~~(2) Travel reports shall be submitted to TBPC's Procurement Policy and Strategy Program on or before the 28th day following the reporting month.~~

~~(3) Travel reports shall be submitted on a compact or floppy disc in Excel format via United States Postal Service or e-mail. TBPC may also adopt other reporting methods, including web based reporting.]~~

#### <\*>125.7. Procuring Travel Agency and Other Travel Related Services. NO CHANGE

(a) This section describes the authorized methods of procurement for travel services and the specific methods for travel agency contracts.

(b) Travel Agency Contract Structure. TBPC's travel agency contracts shall contain a clear statement of the services provided and the cost associated with each service. The contracts shall also contain descriptions of other ancillary services and any other provisions necessary for the convenience of the State.

(c) Solicitation and Evaluation Procedures for Travel Agency Contracts.

(1) TBPC is not required to competitively bid travel agency contracts.

(2) TBPC may negotiate contracts for travel agency services.

(3) TBPC shall solicit private sector entities to participate in negotiated contracts through effective and efficient means that ensure the best value for the State.

(4) TBPC shall consider the following criteria when evaluating proposed travel agency services:

(A) quantity of services;

(B) quality of services;

(C) price; and

(D) any other terms or conditions required to provide the overall best value for the State.

(d) Other Contracts. TBPC may use authorized competitive or negotiated procedures for procuring travel services. TBPC shall solicit, evaluate and award contracts for travel services in a manner that achieves the best overall value for the State.

#### <\*>125.8. State Travel Charge Card Accounts Credit Cards

(a) State Travel Charge Credit Card Accounts. State agencies, officials and employees shall use state travel charge card accounts credit cards to purchase contract and non-contract travel services for airfare. ~~Contract travel services for airfare shall be charged to state travel credit cards.~~ Contract and non-contract travel services for lodging, rental vehicles and other necessary travel expenses shall be charged to state travel charge card accounts credit cards, to the greatest extent possible when feasible; ~~purchases by other methods shall be reported monthly pursuant to § 125.6(e).~~

(b) Eligibility. Any entity eligible to use contract travel services is also eligible to obtain state travel charge card accounts credit cards. State charge card accounts credit cards shall may be used only for official state business and may be issued to individuals and state agencies.

(c) State Travel Charge Credit Cards Issued to Individuals.

(1) State agency employees should be issued a state travel charge credit card when the employee is expected to take at least three trips or spend at least \$500 per fiscal year for official state travel business. State agencies may, at their discretion, approve the issuance of the cards to any employee.

(2) State travel charge cards issued to individuals shall be billed directly to the individual who may obtain reimbursement through properly submitted state travel vouchers that comply with this subchapter and the rules and guidelines of the Comptroller. Other individuals eligible to use state travel charge cards shall comply with the reimbursement rules and procedures of their governing entity.

(d) State agencies shall ensure that:

(1) state travel charge credit cards are cancelled upon the employee's termination of employment;

(2) state travel charge credit cards are cancelled when the employee fails to timely pay the charges, uses the card for personal transactions, or any other misuse of the charge credit card; and

(3) individuals who are issued state travel charge credit cards understand that payment of charges on state travel charge credit cards is the sole responsibility of the individual and that the state shall not be responsible for the charges or for nonpayment by the employee.

~~[(e) Individual Billing. State travel credit cards issued to individuals shall be billed directly to the individual who may obtain reimbursement through properly submitted state travel vouchers that comply with this subchapter and the rules and guidelines of the Comptroller. Other individuals eligible to use~~

~~state travel credit cards shall comply with the reimbursement rules and procedures of their governing entity.]~~

~~(e)[(f) Centralized Billing.]~~ State Travel Charge Cards Issued to State Agencies. A state travel charge credit card issued to a state agency or an eligible entity shall be billed to that entity and payable ~~[which may receive reimbursement]~~ pursuant to applicable statutes and rules.