

OFFICE OF COURT ADMINISTRATION

FY21 PROCUREMENT PLAN



**Office of Court Administration
Fiscal Year 2021 Procurement Plan**

General Information

Agency Name: Office of Court Administration

Agency Number: 212

Procurement Director Contact Information

Name: Carol K. Harper, Deputy Chief Financial Officer

Phone Number: (512) 463-1631

Fax Number: (512) 463-1648

E-mail Address: Carol.Harper@txcourts.gov

Purchasing Capacity Assessment

Dollar value of agency delegated purchases for FY20: \$957,874.73

Number of purchasing FTEs: 3

Automated purchasing tools used by the agency (if applicable): CAPPs Financials and TxSmartBuy.com.

Please attach the following:

- Copy of agency's purchasing and contract management procedures which include protest procedures developed by the agency.
- Credit card procedures regarding the issuance and security of payment cards and the use of those cards by the agency's employees.
- Attach or provide links to any SAO audits of purchasing/contract management functions for FYF20-21, N/A
- Attach or provide links to any Comptroller post payment or procurement audits for FY20-21, N/A

Certified Procurement Professionals

Number of certified purchasing FTEs: 3.0

Number of certified contract management FTEs: 0.5

Authorized Agency Purchasers

- **Name:** Donna Laino, CTCD
- Title: Purchaser, Finance & Operations Division
- Certification No.: CTCD07011806 Issued: 07/01/2018 Expires: 07/01/2021

- **Name:** Paula Garner, CTPM, CTCM
- Title: Financial Analyst and Purchaser, Information Services Division
- Certification No.: CTPM10011752 Issued: 10/01/2017 Expires: 10/01/2022
- Certification No.: CTCM07011705 Issued: 07/01/2017 Expires: 07/01/2022

- **Name:** Michael Olson, CTCD
- Title: Operations & Support Officer, Finance & Operations Division
- Certification No.: As of 11/30/2020 exam passed but certification info not posted.

- **Name:** Carol K. Harper, CTCD
- Title: Deputy Chief Financial Officer, Finance & Operations Division
- Certification No.: 1900023057 Issued: 07/01/2020 Expires: 07/01/2023

Additional Certified Staff

- **Name:** Jennifer Henry, CTCM
- Title: Chief Financial Officer, Finance & Operations Division
- Certification No.: 1900023507 Issued: 07/01/2020 Expires: 07/01/2023

- **Name:** Susan Chamberlain, CTCM
- Title: Deputy Director of Information Services, Information Services Division
- Certification No.: CTCM10011742 Issued: 10/01/2017 Expires: 10/01/2022

- **Name:** Melanie Adrian, CTCD, CTCM
- Title: Project Manager, Information Services Division
- Certification No.: 1900023012 Issued: 07/01/2019 Expires: 07/01/2022
- Certification No.: CTCM07011712 Issued: 07/01/2017 Expires: 07/01/2022

- **Name:** Dinorah Kline, CTCM
- Title: Project Manager, Information Services Division
- Certification No.: CTCM03221702 Issued: 03/01/2017 Expires: 03/01/2022

Training Projections for the Fiscal Year

Number of seats needed for CTCD certification courses for FY21: 0

Number of seats needed for CTCM certification courses for FY21: 0

Delegated Purchasing Assessment

Please list the names of personnel with delegated signature authority for proprietary justifications:

- David Slayton (or designee), Administrative Director

Please complete the table below with the requested information on your agency's five delegated purchases anticipated to have the highest expenditure for commodities or services (excluding professional services) not available on an existing contract through CPA or DIR for FY21.

Delegated Purchase	Anticipated Value for FY2021	FY2020 Value for Similar Purchase:	Name of current vendor:	Has the agency looked for the item on CPA or DIR contract?
Cloud Collaboration System	\$1,919.84	\$900.00	Trello.com	Yes
Website Search Application	\$4,900.00	\$4,900.00	dtSearch.com	Yes
Cloud Training/e-Learn Management System	\$6,900.00	\$6,900.00	EPIGNOSIS LLC (TalentLMS.com)	Yes
Uniform Case Management System	\$41,027,069.00	\$0.00	N/A	Yes
Electronic Court Filing System	\$19,600,824.00	\$19,600,824.00	Tyler Technologies	Yes

OFFICE OF COURT ADMINISTRATION

PROCUREMENT PROTEST PROCEDURES



OCA FINANCE AND OPERATIONS DIVISION
FISCAL YEAR 2008

Protest Procedures

(a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to OCA. Such protests must be in writing and received in the administrative director's office within 10 working days after such aggrieved person knows, or should have known, of the occurrence of the action that is protested. Formal protests must conform to the requirements of this subsection and subsection (c) of this section, and shall be resolved in accordance with the procedure set forth in subsections (d) and (e) of this section. Copies of the protest must be mailed or delivered by the protesting party to the other interested parties. For the purposes of this section, "interested parties," mean all vendors who have submitted bids or proposals for the contract involved.

(b) In the event of a timely protest or appeal under this section, OCA shall not proceed further with the solicitation or with the award of the contract unless the administrative director, after consultation with the CFO, makes a written determination that the award of contract without delay is necessary to protect substantial interests of the state.

(c) A formal protest must be sworn and contain:

(1) A specific identification of the statutory or regulatory provision (s) that the action complained of is alleged to have violated;

(2) A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified in paragraph (1) of this subsection;

(3) A precise statement of the relevant facts;

(4) An identification of the issue or issues to be resolved;

(5) Argument and authorities in support of the protest; and

(6) A statement that copies of the protest have been mailed or delivered to the identifiable interested parties.

(d) The CFO shall have the authority, prior to appeal to the administrative director, to settle and resolve the dispute concerning the solicitation or award of a contract. The CFO may solicit written responses to the protest from other interested parties.

(e) If the protest is not resolved by mutual agreement, the CFO will issue a written determination on the protest.

(1) If the CFO determines that no violation of rules or statutes has occurred, he or she shall so inform the protesting party and other interested parties by letter, which sets forth the reasons for the determination.

(2) If the CFO determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he or she shall so inform the

protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.

(3) If the CFO determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he or she shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

(f) The CFO's determination on a protest may be appealed by an interested party to the administrative director. An appeal of the CFO's determination must be in writing and must be received in the administrative director's office no later than 10 working days after the date of the CFO's determination. The appeal shall be limited to review of the director's determination. Copies of the appeal must be mailed or delivered by the appealing party to the other interested parties and the appeal must contain an affidavit that such copies have been provided.

(g) The general counsel shall review the protest, CFO's determination, and the appeal and prepare a written opinion with recommendation to the administrative director. The administrative director shall issue a written decision on the protest, which shall be the final administrative action of OCA.

(h) A protest or appeal that is not filed timely will not be considered, unless good cause for delay is shown.

OFFICE OF COURT ADMINISTRATION

PROCUREMENT CARD MANUAL



Last Updated: November 29, 2018

Finance and Operations Division

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Definitions and Acronyms

Administrative Director (AD) – Agency head of the OCA.

Cardholder – An employee of OCA that has been issued a p-card or travel card.

Centralized Accounting, and Payroll/Personnel System (CAPPS) – OCA’s accounting and automated purchasing system.

Deputy Chief Financial Officer (DCFO) – Serves as the primary PA for the agency’s charge cards.

Merchant Category Codes (MCC) – A four-digit number assigned to a business by credit card companies to reflect the primary category in which the merchant does business. Additionally, the MCC is used to classify the business by the type of goods or services it provides.

Office of Court Administration (OCA) – May also be referred to as “Agency”.

Procurement Card (p-card) – Charge card issued through the STCCP to designated state employees for official business transactions, except for travel related purchases or automobile fuel purchases.

Program Administrator (PA) – The agency’s primary PA is the DCFO. The DCFO may designate a back-up PA that is preferably not a cardholder.

Purchaser – For the purposes of this Manual, a purchaser is an employee who has taken, at a minimum, the SPD’s Basic Public Purchasing training.

State of Texas Charge Card Program (STCCP) – Program under CPA Managed Contract (946-M2) for Payment Card Services.

Statewide Procurement Division (SPD) – Division of the CPA responsible for managing the STCCP contract.

Texas Comptroller of Public Accounts (CPA) – The chief steward of the state’s finances, acting as tax collector, chief accountant, chief revenue estimator, and chief treasurer for all of state government, in addition to administering a number of other programs.

Travel Card – Charge card issued through the STCCP to the Agency for official business transactions, except for non-travel related payments.

Program Overview

The OCA utilizes the STCCP for issuance of p-cards and travel cards for official business only. Each p-card is issued to an individual and bears the signature of the cardholder on the reverse side. P-cards shall be used solely by the cardholder. In certain instances, the DCFO, the back-up PA, or the Senior Procurement & HUB Specialist may authorize the use of the p-card retained in the purchasing section. The OCA has one agency-wide travel card that is stored in the accounting section. This card is used by the travel coordinators to pay for airfare and direct-billed hotel charges for Agency employees.

The purpose of the STCCP is to establish a more efficient, cost-effective method of purchasing and paying for small dollar transactions as well as high-volume, repetitive purchases. The program was

designed as an alternative to the traditional purchasing process for supplies and services. The charge card can be used with any supplier that accepts MasterCard as a form of payment.

The agency pays only the contracted credit card company, instead of multiple vendors. Credit card statements are to be paid in full, less credits or disputed transactions, within 30 days of receipt, per the Texas Prompt Payment Act. Per state contract terms, the due date listed on the credit card statement may be used in the requested payment field.

The State, as represented by each division that authorizes a charge card, is financially liable for any and all expenses incurred through use of the card. Cardholders are required to take the same security precautions with the state-issued cards that they reserve for their personal credit cards.

Contract Set-up

The Finance and Operation Division is responsible for managing the agency's participation in the STCCP. A purchase order is not required to participate in the CPA's contract. Additional information regarding the State's contract is found on TxSmartBuy.com and the CPA's [STCCP](#) webpage. Resources for the PA are found online at: [Citibank-State of Texas Resource](#), [CitiDirect Global Card Management System](#), and [CitiManager Online Tools](#).

For reporting purposes, two reporting levels have been set up by the contracted charge card company. If additional levels are needed, they can be set up. The current reporting levels are: Card Type and Cardholder.

Merchant Category Codes

The OCA excludes all MCC's assigned to business categories that are not typically used by the Agency. If a transaction is declined for MCC, a cardholder must contact the Agency's PA. If the purchase/payment is otherwise authorized by State and agency rules & regulations, the PA may contact the charge card vendor to temporarily authorize the MCC.

General Guidelines for Issuing P-Cards

Purchaser P-Cards

Certified Purchasers – Upon request and with supervisory approval, the OCA will issue a p-card to each agency purchaser that is certified by the State of Texas. The PA will set limits that are reasonable for the purchaser to perform his or her regular duties.

Uncertified Purchasers – The PA may issue a p-card to an agency purchaser that is not certified. The request must be approved by the purchaser's supervisor. The PA and supervisor shall agree to a charge card limit that is reasonable for the employee to perform his or her regular duties. Purchases made on these p-cards should be closely monitored by the PA, a certified purchaser, and/or accounts payable staff until the purchaser has demonstrated an understanding of applicable rules, laws, and procedures.

Division P-Cards

The PA may issue a p-card to an individual member of a division that will be responsible for purchasing office supplies, renewing memberships (pre-approved by the AD), or registering division staff for training. The PA and division director shall agree to a charge card limit that is reasonable for the

employee to make payments on these types of transactions. A certified purchaser will be designated to review the purchase orders in CAPPs for these procurements and review the related p-card statement.

P-Card Set-up Procedures

Purchaser and division p-cards may be requested by sending an email to the PA. A supervisor must approve a purchaser p-card and a division director must approve a division p-card.

The PA will complete a new account application utilizing the CitiManager online tool or an alternative paper option when necessary.

The p-card will be sent to the PA by Citibank. Before physically receiving the new p-card, each cardholder must sign a “*Confirmation of P-Card Receipt, Acknowledgement of Cardholder Responsibilities, and Agreement to Comply with Rules & Regulations*” form (Appendix A). The original form is kept by the PA and a copy is given to HR and to the cardholder.

Activation of P-Cards

After physically receiving a new or replacement p-card, cardholders must sign the back-side of the p-card and call Citibank to establish a PIN and activate the p-card.

Changes in Employment Status

Promotion or Transfer Within Agency

In the event a cardholder is promoted or transferred to another position in the Agency, the cardholder must immediately notify the PA. Purchaser p-cards may transfer with the cardholder if the employee’s new supervisor emails the PA his or her approval. Division p-cards may transfer with the cardholder if the employee’s new division director emails the PA his or her approval. This notification and approval ensures that 1) the hierarchy for each cardholder is kept current, 2) the database of all cardholders and their respective programs/division are kept current, and 3) all purchase payments are made from the appropriate program/division.

Resignation or Termination

Purchaser p-cards – When an individual leaves OCA employment for any reason, the cardholder’s supervisor is responsible for retrieving the p-card from the separating employee, cutting the p-card in half, and forwarding the pieces to the PA for deactivation.

Division p-cards - When an individual leaves OCA employment for any reason, the cardholder’s division director is responsible for retrieving the p-card from the separating employee, cutting the p-card in half, and forwarding the pieces to the PA for deactivation.

Lost or Stolen Cards

The cardholder is responsible for the care and protection of the credit card. When a p-card is lost or stolen, the individual must:

Immediately Call Citibank at 1-800-248-4553

Representatives of Citibank are available 24 hours a day, 7 days a week. Lost or stolen cards will be replaced by Citibank after notification of the loss.

After contacting Citibank, the cardholder must notify the PA and include the following information: when the credit card was lost or stolen, when Citibank was notified (date and time), the name of the Citibank representative that recorded the claim, and the circumstances surrounding the card disappearance.

Liability: Citibank offers liability programs specifically for protection against misuse of the card, via MasterCard, and provides the additional protections and limitation of potential entity liability. CUSTOMER is not liable for unauthorized charges occurring after the bank is notified of the loss, theft, or possible fraudulent use of the card. For unauthorized charges made prior to the card being reported lost or stolen, CUSTOMER's liability is limited to a maximum of \$50 per card (up to \$100,000). While this is an industry standard, Citibank has never imposed the charge on customers.

Using P-Cards

Comptroller Requirements

A p-card may be used for the purchase of commodities and services for dollar amounts within the agency's delegated purchasing authority.

Agency/Cardholder Responsibilities – Adhere to all purchasing statutes, rules, policies, and procedures when using the payment card. *The use of a payment card does not automatically exempt a state agency, its officers or its employees from any purchasing requirement of state law or SPD.*

Procurement File/Log – A final approved purchase requisition and Citibank purchase order in CAPPs will serve as the procurement file for p-card purchases. A requisition must be submitted for each card transaction and include the NIGP class/item code(s) and best value determination (if applicable).

Receipts – Keep each payment card transaction receipt in the procurement file. Each receipt must contain a description of the good or service sufficient to support SPD's expenditure object code used for the type of items being purchased. Credit card receipts must be made available to SPD upon request.

Capital or Controlled Assets – The p-card may be used to pay for capital or controlled assets, utilizing the expenditure object code established for the type of assets being purchased. The Texas Identification Number (TIN) of the selling vendor must be entered into USAS. *Note: As a standard, the OCA uses the TINS of the selling vendor on all p-card payments.*

Vendor Status – Verify vendor is in good standing (Debarred list, Divestment Statute lists, TINS Warrant Hold Search and SAM printout) as required by the CPA.

Agency Requirements

All purchases must be approved on a requisition in CAPPs prior to making a p-card purchase. If a purchase is urgent, an informal approval by email from the division director is sufficient to make the purchase prior to finalizing the approvals in CAPPs; however, the emailed approval must be attached to the CAPPs requisition. It is the cardholder's responsibility to obtain the formal approval in CAPPs within 3 business days of making the purchase.

If a vendor accepts purchase orders for payment, then cardholders should refrain from using the p-card unless circumstances are urgent or there is an emergency. In this case, the justification should be entered on the purchase order in CAPPs.

All purchases are tax-exempt. When requested, email or fax a current tax exemption certificate to the vendor. Cardholders should confirm that an order will be treated as tax exempt before making the purchase. If a p-card is charged tax in error, the cardholder must request a credit from the vendor and document this in the purchase order file.

Attach all supporting documentation (e.g. bid documents, order confirmations, emailed receipts, signed receiving reports, etc.) in CAPPs. Cardholders must attach in CAPPs, **within three business days of purchase**, documentation for each purchase for which the p-card was used for payment.

Prohibited Uses of P-Cards

Per the Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter E, Section 5.57(g), this card should not be used for the following: a purchase of a personal nature or any other purchase not connected with official state business; a cash advance; a purchase of a consulting service; a purchase of a good or a service that may not be purchased without the prior approval of another state agency; a purchase that the office of the CPA audits before payment; a purchase from a vendor if a payment to the vendor is prohibited by a) Texas Government Code §403.055 or §2107.008; b) Texas Education Code §57.48, or §57.482; or c) Texas Family Code §231.007.

Cardholders may not use a p-card in any way that violates any provision of the General Appropriations Act regarding the occurrence of excess obligation provisions.

Cardholders may not purchase automotive fuel with a p-card. The CPA Managed-Term Contract [946-M3 Retail Fuel Card Services](#) should be utilized instead.

HUB Goals

P-card purchases are subject to the same HUB participation goals as with any other type of procurement. Cardholders should make every effort to purchase from CPA certified HUBs when available. Current HUB Goals may be found in the agency's current Strategic Plan posted on the web.

Receiving Goods

The cardholder must first obtain an itemized receipt and then adhere a receiving stamp to the receipt. For field staff, email the receipt to the end-user or court coordinator. For headquarters, email the receipt to the end-user and the reception area staff on the main floor. Staff will confirm receipt of item(s) by completing the receiving stamp (at a minimum, this includes the date received, the condition of the goods, and the signature or initials of the person who received the goods). The end-user will then forward the receipt to Accounts Payable. Field staff should email accountspayable@txcourts.gov. Headquarters staff may either email the same account or place the hardcopy in the Accounts Payable inbox.

The cardholder who placed the order may not confirm receipt of his or her own purchase.

Returning a Purchase Made with a P-Card

In the event an item is to be returned, contact the vendor and obtain return instructions. Note that some vendors may charge a restocking or handling fee for returns. **Do not return items without authorization from the vendor.** You should receive a “credit receipt”; attach this receipt to the purchase order in CAPPs and notify Accounts Payable.

Per CPA rules, a state agency may not accept a cash refund for a purchase if the agency paid for the purchase with a p-card. **Do not accept a cash/check refund for returned items.** If the vendor refuses to credit the p-card, the cardholder must document this in the purchase order file and notify the Revenue Accountant of the pending credit.

Unauthorized Charges

There are three types of unauthorized charges: 1) disputable charges, 2) questionable charges, and 3) fraudulent charges.

Disputable Charges

Disputable charges include: charges to a p-card unauthorized by an agency’s purchase order; charges that exceed the authorized amount on a purchase order; charges for returned items that have not been credited; and charges of sales tax. If a cardholder determines that a charge is disputable, he or she should:

1. Attempt to resolve the dispute directly with the vendor.
2. If unsuccessful, the cardholder calls Citibank Customer Service and the representative will collect required information in order to initiate a claim.
 - a. In some instances, you may need to provide an electronic signature or further documentation. The representative will walk you through requirements as needed.
 - b. Average estimated resolution time is 30 days.
3. Notify Accounts Payable, Purchasing, and the PA by email of the claim number and details.
4. Add claim details to the purchase order in CAPPs.
5. If claim is successful, a notation of the dispute should be attached to the Purchase order.
6. If the claim is unsuccessful, the agency may still be responsible for payment of the transaction.

Questionable Items

Questionable charges include: category 1) charges unmatchable to a purchase order or charges without sufficient documentation in the file to authorize payment; and category 2) charges incurred for items that are outside the agency’s delegated authority or charges explicitly not allowed under Prohibited Uses of P-Cards.

For a category 1 charge, the cardholder should be contacted to assist Accounts Payable with matching a charge to a purchase order and to provide additional documentation if necessary.

For a category 2 charge, the PA should be contacted immediately. The PA should consider whether the charge may be fraudulent (see below). If fraud or abuse is not suspected, the PA will follow-up with the cardholder. Additional training may be needed. If unable to return the item and receive a credit, the cardholder may be financially liable for the charge.

Fraudulent Charges

Fraudulent charges include: charges made by someone not authorized to use the p-card; and charges made with the knowledge that the purchase is either outside the agency's delegated authority or prohibited by the CPA. If anyone suspects fraud or abuse of a p-card, he or she must report this immediately to the agency's General Counsel, the Chief Financial Officer, and the PA.

For a fraudulent charge not made by the cardholder:

- The cardholder will initiate steps 1 through 4 in the Disputable Charges section of this manual.
- The cardholder should cancel the p-card, request a replacement p-card, and review all recently posted & pending charges. Proceed with the applicable steps for any additional fraudulent charges.

For a fraudulent charge made by the cardholder:

- The PA will initiate steps 1 through 4 in the Disputable Charges section of this manual.
- The p-card will be blocked immediately.
- The General Counsel, Chief Financial Officer, and PA will review the documentation and if misappropriation of State funds is found, the result may be:
 - An official reprimand;
 - Immediate and irrevocable forfeiture of the p-card;
 - Reimbursement to the state (in all cases); and
 - Disciplinary action up to and including termination of employment.

Appendix A

Confirmation of P-Card Receipt, Acknowledgement of Cardholder Responsibilities, and Agreement to Comply with Rules & Regulations

The Office of Court Administration (OCA) has issued a procurement card (p-card) to _____ ending with account number **XXXX**. This form is used 1) to confirm receipt of your p-card; 2) to acknowledge that you understand your responsibilities as a cardholder; and 3) to obtain your agreement that you will comply with all applicable purchasing statutes, rules, policies, and procedures when using your p-card.

I, **XXXX**, understand and agree to the following:

- I will read and follow the agency's Procurement Card Manual.
- I am responsible for activating my p-card, establishing a PIN, and keeping my PIN secure.
- I will be the sole user of my p-card and am responsible for storing my p-card in a secure location.
- I agree to adhere to all purchasing statutes, rules, policies, and procedures when using my p-card; and to only use my p-card for purchases that I am certain the agency has delegated authority to make.
- I understand that the use of my p-card for unauthorized purposes may be considered misappropriation of State and agency funds. This could result in the immediate revocation of my p-card and disciplinary action up to and including termination of employment.
- If my p-card is lost or stolen,
 - I will immediately notify Citibank by calling **1-800-248-4553**.
 - I will also notify my supervisor and the Program Administrator.
 - I understand that when I follow the procedure as outlined, I relieve OCA and myself of liability for fraudulent use.
 - If I do not immediately report my lost or stolen card, I will be financially liable for any and all charges on my p-card.
- I understand that OCA may terminate my right to use my p-card at any time for any reason.
- I agree to surrender the p-card upon termination of employment or if requested by my division director, the Agency Head, or the Program Administrator for any reason.
- I understand that this signed agreement becomes legally binding and will become part of personnel file with the Agency.

Printed Name of Cardholder

Last 4 Digits of Cardholder's SSN

Signature of Cardholder

Date

Original to Program Administrator

Copy to HR for personnel file

Copy to Cardholder