

**Negotiated Contracts Policy Manual**  
**Manual Notices Archive**

## Manual Notice 2023-2

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** March 30, 2023

### Purpose

The purpose is to revise Chapters 1, 2, 5, 10 and 12.

### Changes

Chapter 1, *Standards for Contracts* – Changes include:

- ◆ Section 2, Contracting Requirements, revised language on “Prohibition on Contracts with Companies Boycotting Israel” to reflect exemptions pertaining to Texas Procurement and Contract Management Guide; also updated statute number to reflect current and correct legislation and legal authority.

Chapter 2, *Advance Funding Agreements* – Changes include:

- ◆ Section 3, Contract Standards, added requirement on “TxDOTCONNECT is the System of Record” to provide clear guidance and to comply with ECLM policy.

Chapter 5, *Use of Private Consultants* – Changes include:

- ◆ Section 2, Contract Standards, updated statute number in “Federal Funds” to reflect current and correct legislation and legal authority.

Chapter 10, *Traffic Engineering Agreements* – Changes include:

- ◆ Section 1, Overview, updated abbreviation (Trans. to Transp.) in “Authority” per Texas Rules of Form.

Chapter 12, *Project Development Operating Agreements and Financial Assistance Agreements* – Changes include:

- ◆ Section 1, Overview, updated abbreviation (Trans. to Transp.) in “Authority” per Texas Rules of Form.

### Contact

For more information about this manual, please contact Contract Services at 512-416-4620.

## Archives

Past manual notices are available in a [PDF archive](#).

## Manual Notice 2023-1

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** January 10, 2023

### Purpose

The purpose is to revise Chapters 1, 2, 3, and 9.

### Changes

Chapter 1, *Standards for Contracts* – Major Changes include:

- ◆ Section 1, Overview, revised “Contract Document Ownership and Responsibilities” to define and to clarify the roles and responsibilities of the Office of Primary Responsibility and the Office of Record.
- ◆ Section 2, Contracting Requirements, revised “Energy Company Boycott” to correct language pertaining to Tex. Gov’t Code Ch. 2274
- ◆ Section 2, Contracting Requirements, “Risk Analysis,” added CSD’s Risk Reports email address per Compliance Division’s recommendation.
- ◆ Section 2, Contracting Requirements, “Negotiated Purchases of Services,” added “non-professional” to distinguish the guidance referred to in the Procurement Division’s Purchasing Manual.
- ◆ Section 2, Contracting Requirements, “LBB Reporting Under Senate Bill 1,” revised the types of contracts previously listed in paragraph form, to a bulleted list, for readability.
- ◆ Section 2, Contracting Requirements, “Contract Services as the Office of Record,” added “Private Consultant contracts,” and “Other Professional Services contracts” to the list of contract types for which Contract Services is the Office of Record.
- ◆ Throughout Section 2 and Section 3, replaced District or Division with “Office of Primary Responsibility (OPR)” to provide clear guidance and to align with ECLM policy.
- ◆ Section 3, Contracting Monitoring, “Payment of Work,” replaced “the managing office” with “TxDOT” since this applies to the agency.
- ◆ Section 4, Mandatory Training Requirements, “Best Value- and Qualifications-Based Procurement Training,” added a hyperlink to Contract Services Training Section on Crossroads for user convenience.

Chapter 2, *Advance Funding Agreements* – Major Changes include:

- ◆ Section 2, Contract Standards, replaced recurring instances of “Minute Order” with “MO” per Compliance Division’s recommendation.
- ◆ Throughout Section 3, Contract Standards, replaced District or Division with “Office of Primary Responsibility (OPR)” to provide clear guidance and to align with ECLM policy.

Chapter 3, *Interagency Cooperation Contract* – Major Changes include:

- ◆ Section 2, Contract Standards, “Records,” replaced District or Division with “Office of Primary Responsibility (OPR)” to provide clear guidance and to align with ECLM policy.

Chapter 9, *PeopleSoft Financial Supply Chain* – Major Changes include:

- ◆ Section 1, Overview, replaced District or Division with “Office of Primary Responsibility (OPR)” to provide clear guidance and to align with ECLM policy.
- ◆ Section 1, Overview, revised language to the OPR paragraph to provide clarity.
- ◆ Section 2, PeopleSoft Policy, “Processing,” added “Automated Purchasing System, or” to provide the full name of the previous application, per recommendation from the Compliance Division.

## **Contact**

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## **Archives**

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## **Manual Notice 2022-4**

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** October 11, 2022

### **Purpose**

The purpose is to revise Chapters 1 and 2.

### **Changes**

Chapter 1, *Standards for Contracts*, Section 3, *Contract Monitoring* – Major Change includes:

- ◆ Revised “Record Retention and Open Records Requests” to add “may” to clarify the importance of indefinite retention of Advance Funding Agreements.

Chapter 2, *Advance Funding Agreements*, Section 3, *Contract Standards* – Major Change includes:

- ◆ Removed “The file of record is maintained the entire life of the asset and for the ensuing seven years or longer if audit issues or litigation occurs” because this statement conflicts with the language in Chapter 1, which requires that AFAs are to be retained indefinitely.

### **Contact**

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### **Archives**

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## **Manual Notice 2022-3**

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** February 23, 2022

### **Purpose**

The purpose is to revise Chapters 1 and 12.

### **Changes**

Chapter 1, *Standards for Contracts* – Major Changes include:

- ◆ Revised "Negotiated Contract Defined" to clarify those contracts for which TxDOT has the responsibility to negotiate price, scope, schedule, terms, or other components of the agreement.

Chapter 12, *Project Development and Operating Agreements and Financial Assistance Agreements* – Major Changes include:

- ◆ Updated “Authorities” to reflect current and correct legislation and legal authority.

### **Contact**

For more information about this manual, please contact Contract Services at 512-416-4620.

### **Archives**

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## Manual Notice 2022-2

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** February 07, 2022

### Purpose

The purpose is to revise Chapters 1 and 6.

### Changes

Chapter 1, *Standards for Contracts* – Major Changes include:

- ◆ Added "Energy Company Boycott" to incorporate Texas Senate Bill 13, 87(R) SB 13 - AN ACT RELATING TO CONTRACTS WITH AND INVESTMENTS IN COMPANIES THAT BOYCOTT CERTAIN ENERGY COMPANIES, as enacted in 87th Legislature.

Chapter 6, *Engineering, Surveying, and Architectural Negotiated Contracts* – Major Changes include:

- ◆ Revised Section 1, Overview, “Contract Types” to incorporate amendment to 43 TAC 9.32, Selection Processes, Contract Types, Selection Types, and Projected Contracts.
- ◆ Revised Section 2, Provider Selection, “Selection Processes” to incorporate amendment to 43 TAC 9.34, Non-Federal Process, and 43 TAC 9.35, Federal Process. This amendment removes the five-year term on Non-Federal agreements.
- ◆ Revised Section 2, Provider Selection, to remove:
  - “Streamlined Selection Process” to incorporate the repeal of 43 TAC 9.36, Streamlined Process.
  - “Accelerated Selection Process” to incorporate the repeal of 43 TAC 9.37, Accelerated Process.
- ◆ Revised Section 3, Contract Standards, “Issuing Work and Monitoring Time” to incorporate amendment to 43 TAC 9.32 Selection Processes, Contract Types, Selection Types, and Projected Contracts, effectively extending the period in which initial work authorizations may be issued from three years after contract execution to four years after contract execution.
- ◆ Revised Section 3, Contract Standards, "Supplemental Agreements" to incorporate amendments to 43 TAC 9.31-9.35 and 9.38-9.41 as they relate to Supplemental Agreements. These amendments streamline the selection process for all professional services contracts by eliminating the Request for Qualifications and using only the Request for Proposals as the solicitation and response method. The amendments allow a non-federal indefinite deliverable



contract to be extended beyond five years and increase the period to issue work from three to four years.

### **Contact**

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### **Archives**

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## Manual Notice 2022-1

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** January 27, 2022

### Purpose

The purpose is to revise Chapters 1, 3 and 5.

### Changes

Chapter 1, *Standards for Contracts* – Major Changes include:

- ◆ Revised Section 2, Contracting Requirements to add "Discrimination Against Firearm Industries" to incorporate Texas Government Code, Chapter 2274, PROHIBITION ON CONTRACTS WITH COMPANIES THAT DISCRIMINATE AGAINST FIREARM AND AMMUNITION INDUSTRIES, as enacted in 87th Legislature.
- ◆ Revised Section 2, Contracting Requirements to add "Contracts for Professional Services of Physicians, Optometrists, and Registered Nurses" to incorporate recent change to Texas Government Code, Chapter 2254.008 CONTRACT FOR PROFESSIONAL SERVICES OF PHYSICIANS, OPTOMETRISTS, AND REGISTERED NURSES, as enacted in 87th Legislature.
- ◆ Revised Section 2, Contracting Requirements, to update "LBB Reporting Under Senate Bill 1" to specify using the LBB Contracts Database as the method of reporting.

Chapter 3, *Interagency Cooperation Contract* – Major Changes include:

- ◆ Revised Section 2, Contract Standards to add "Reports" to incorporate requirement for IAC Reporting Over \$10 Million as stated in the General Appropriations Act, Sec. 17.13. Reports on Interagency Contracts.

Chapter 5, *Use of Private Consultants* – Major Changes include:

- ◆ Revised Section 2, Private Consultants to incorporate Texas Government Code, Chapter 2254.029, Publication in State Business Daily; 2254.031, Renewal, Amendment and Extension; and 2254.0301, Contract Notification.

### Contact

For more information about this manual, please contact Contract Services at 512-416-4620.

## Archives

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## **Manual Notice 2021-2**

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** December 15, 2021

### **Purpose**

The purpose is to revise Chapters 1.

### **Changes**

Chapter 1, *Standards for Contracts* – Major Changes include:

- ◆ Revised Section 2, Risk Analysis, requiring contract administrators and project managers to perform a comprehensive risk analysis, using a risk matrix, to identify high-risk contracts. This change is made in conjunction with adoption of TAC §9.8.

### **Contact**

For more information about this manual, please contact Contract Services at 512-416-4620.

### **Archives**

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## **Manual Notice 2021-1**

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** September 29, 2021

### **Purpose**

The purpose is to revise Chapters 1.

### **Changes**

Chapter 1, *Standards for Contracts* – Major Changes include:

- ◆ Revised Section 3, Contract Monitoring; identify the very limited circumstances in which it's in the Department's best interest to pay for work performed outside the terms of a valid work authorization, replacing an unofficial process known as the "OOPs Memo" process.

### **Contact**

For more information about this manual, please contact Contract Services at 512-416-4620.

### **Archives**

Past manual notices are available in a [pdf archive](#).

## **Manual Notice 2020-1**

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** March 30, 2020

### **Purpose**

The purpose is to revise Chapters 1.

### **Changes**

Chapter 1, *Standards for Contracts* – Major Changes include:

- ◆ Revised Section 2, Contracting Requirements; Required Insurance Subsection
- ◆ Revised Section 3, Contract Monitoring; Contract Filing Requirements, File of Record, Selection File, and Documentation File Subsections
- ◆ Revised Section 4, Mandatory Training Requirements, Background, Applicability, TxDOT Required Training, Best Value and Qualifications-Based Procurement Training, Statewide Training, and Other Required Training Subsections

### **Contact**

For more information about this manual, please contact Contract Services at 512-416-4620.

### **Archives**

Past manual notices are available in a [pdf archive](#).

## Manual Notice 2019-1

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** July 26, 2019

### Purpose

The purpose is to revise Chapters 1, 2, 6, and create a new Chapter 13.

### Changes

Chapter 1, *Standards for Contracts* – Major changes include:

- ◆ Prohibition on Contracts with Companies Boycotting Israel; Iran, Sudan, or Designated Foreign Terrorist Organizations; \$5 Million Certification; LBB Reporting; and Contracts Posting to TxDOT Internet.

Chapter 2, *Advance Funding Agreements* - Major changes include:

- ◆ Changes to Signature Authority; and Outstanding Balance.

Chapter 6, *Engineering, Surveying, and Architectural Negotiated Contracts* - Major changes include:

- ◆ Administrative Qualification; Issuing Work and Monitoring Time; Supplemental Agreements; and Contract Services' Role.

Chapter 13, *Project Development and Operating Agreements and Financial Assistance Agreements* is a new chapter.

### Contact

For more information about this manual, please contact Contract Services at 512-416-4620.

### Archives

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## Manual Notice 2016-2

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** December 01, 2016

### Purpose

To update Risk Analysis in Chapter 1, *Standards for Contracts*, and to update references to Contract Services Division and Procurement Division due to the recent Contracts and Purchasing Division reorganization.

### Changes

Chapter 1, *Standards for Contracts* – Changes include:

- ◆ Purchasing Director revised to Procurement Director,
- ◆ Update to Risk Analysis, and
- ◆ Contracts and Purchasing Division's *Purchasing Manual* revised to Procurement Division's *Purchasing Manual*.

### Contact

For more information about this manual, please contact Contract Services at 512-416-4620.

### Archives

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## Manual Notice 2016-1

**From:** Kenneth Stewart, Director of Contract Services

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** July 01, 2016

### Purpose

To revise Chapter 1, *Standards for Contracts*, Chapter 2, *Advance Funding Agreements*, Chapter 3, *Interagency Cooperation Contracts*, and to update names of divisions and offices that were changed due to the recent reorganization.

### Changes

Chapter 1, *Standards for Contracts* – Changes include:

- ◆ Addition of Disclosure of Interested Parties.

Chapter 2, *Advance Funding Agreements* – Changes include:

- ◆ Addition of Transportation Alternatives Program authorization, and
- ◆ Document retention period updated to seven years.

Chapter 3, *Interagency Cooperation Contracts* – Changes include:

- ◆ Document retention period updated to seven years.

Due to the recent TxDOT reorganization, revisions have been made throughout the manual to:

- ◆ Change District/Division/Office (D/D/O) to District/Division (D/D), and
- ◆ Use new division names.

Also, references to Enterprise Resource Planning (ERP) have been changed to PeopleSoft.

### Contact

For more information about this manual, please contact Contract Services at 512-416-4620.

### Archives

Past manual notices are available in a [pdf archive](#)

## Manual Notice 2015-1

**From:** Kenneth Stewart, Director of Contract Services Office

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** December 01, 2015

### Purpose

Contract Services has revised Chapter 1, *Standards for Contracts*, Chapter 7, *Scientific Services*, and Chapter 10, *Enterprise Resource Planning*, of the *Negotiated Contracts Policy Manual*.

### Changes

Chapter 1, *Standards for Contracts* – Changes include:

- ◆ Addition of Best Value Analysis,
- ◆ Addition of Risk Analysis,
- ◆ Addition of Comptroller's Contract Management Guide,
- ◆ Addition of Revolving Door,
- ◆ Records Retention requirement has been changed to seven (7) years,
- ◆ Updates to Required Training,
- ◆ Numerous minor grammatical changes, and
- ◆ The order of some passages has been revised in Section 2.

Chapter 7, *Scientific Services* – Changes include:

- ◆ Updates to Proposal Process under Section 2 Procurement.
- ◆ Updates to Competitive Sealed Proposal Process
- ◆ Updates to the Selection process.

Chapter 10, *PeopleSoft Financial Supply Chain Management* – Changes include:

- ◆ This chapter contains all new information.

### Contact

For more information about this manual, please contact Contract Services Office at 512-416-4620.

## **Archives**

Past manual notices are available in a [pdf archive](#)

## **Manual Notice 2014-1**

**From:** Kenneth Stewart, Interim Director of Contract Services Office

**Manual:** *Negotiated Contracts Policy Manual*

**Effective Date:** September 01, 2014

### **Purpose**

The *Negotiated Contracts Policy Manual* presents statutory authority and policies for negotiated contract management. It replaces the policies contained in the *Contract Management Manual*. Contract Services Office intends to update and replace the procedures described in the current *Contract Management Manual* with a future *Negotiated Contracts Procedures Manual*.

### **Changes**

The policies shown in the previous manual have been extensively revised to produce this manual.

### **Contact**

For more information about this manual, please contact Contract Services Office at 512-416-4620.

### **Archives**

This is a new manual. No past manual notices are available.