

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption of Rules Review & Readoption of Chapter 11

**AGENDA REQUESTED:** November 20, 2024

**DATE OF REQUEST:** November 1, 2024

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED:** Gwen Ricco, Agenda Coordinator, (512) 239-2678

**CAPTION: Docket No. 2022-0050-MIS.** Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 11, Contracts. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the July 26, 2024, issue of the *Texas Register* (49 TexReg 5549). (Yolanda G. Davis, Jenny Borski) (Non-Rule Project No. 2023-068-011-AS)

Donna White  
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**Director**

Yolanda Davis  
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**Division Deputy Director**

Gwen Ricco  
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**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** November 1, 2024

**Thru:** Laurie Gharis, Chief Clerk  
Kelly Keel, Executive Director

**From:** Donna White, Director  
Office of Administrative Services

**Docket No.:** 2022-0050-MIS

**Subject:** Commission Approval for Adoption of Rules Review and Readoption of Rules  
Chapter 11, Contracts  
Rules Review of 30 TAC Chapter 11  
Non-Rule Project No. 2023-068-011-AS

**What the adopted action would do:**

This action will approve the rules review of Chapter 11 and readopt the chapter.

This action constitutes a determination by the Texas Commission on Environmental Quality, after opportunity for public review and comment, that the initial reasons for adopting the rules of this chapter continue to exist.

**Applicable law:**

The review of the rules is authorized under the requirements of Texas Government Code, §2001.039; and the General Appropriations Act, Article IX, §9-10.13, 76th Texas Legislature, 1999, which require state agencies to review and consider for re adoption each of their rules every four years.

**Reason rules are needed:**

Executive director's staff conducted a review of the rules in Chapter 11 and determined that the reasons for adopting these rules continue to exist. The rules in Chapter 11 provide the general procedures concerning the commission's contract operations. The rules define the procedures for vendors to protest procurement selections. The rules also provide the procedures for resolving of contract claims. For contracts procured pursuant to the methods described in Texas Government Code, §2261.001, the rules define the roles and responsibilities for agency staff and establish a procedure to identify contracts that require enhanced monitoring. The rules also contain the commission's adoption of the Texas Comptroller of Public Account's rules relating to Historically Underutilized Businesses, Competitive Sealed Bidding, and Competitive Sealed Proposals.

The rules in Chapter 11 are necessary to implement the requirements in the Texas Government Code, Chapters 2155, 2156, 2161, 2260, and 2261; and Texas Water Code, Chapter 5.

**Rules found to be obsolete:**

None.

**Public comment:**

A public hearing was not offered for this review. The comment period for the rules review closed on September 3, 2024. No comments were received.

Commissioners  
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Re: Docket No. 2022-0050-MIS

**Affected agency program(s):**

The program area responsible for implementing these rules is the Financial Administration Division.

**Agency contacts:**

Yolanda Davis, Project Manager, Office of Administrative Services, (512) 239-6888  
Jenny Borski, Staff Attorney, General Law Division, (512) 239-3991  
Gwen Ricco, Texas Register/Agenda Coordinator, General Law Division, (512) 239-2678

**Attachments:**

*Texas Register* publication of Proposed Rule Review Notice

cc: Chief Clerk, 7 copies

# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

## Proposed Rule Reviews

Texas Health and Human Services Commission

### Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for reoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 360, Medicaid Buy-In Program

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 360, Medicaid Buy-In Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [AES\\_Policy\\_Coordination@hhs.texas.gov](mailto:AES_Policy_Coordination@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 360" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202403095

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: July 12, 2024



Texas Commission on Environmental Quality

### Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 11, Contracts.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for reoption, reoption with amendments, or repeal every four years. During this review, TCEQ

will assess whether the reasons for initially adopting the rules in Chapter 11 continue to exist.

Comments regarding suggested changes to the rules in Chapter 11 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rule-making action by TCEQ.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 11. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-068-011-AS. Comments must be received by September 3, 2024. For further information, please contact Yolanda G. Davis, Financial Administration Unit, at (512) 239-6888.

TRD-202403136

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 17, 2024



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 12, Payment of Fees.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for reoption, reoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 12 continue to exist.

Comments regarding suggested changes to the rules in Chapter 12 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rule-making action.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 12. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submit-

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 11, Contracts, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039 requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the July 26, 2024, issue of the *Texas Register* (49 TexReg 5549).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 11 provide the general procedures concerning TCEQ's contract operations. The rules define the procedures for vendors to protest procurement selections and provide the procedures for resolving contract claims. For contracts procured pursuant to the methods described in TGC, §2261.001, the rules define the roles and responsibilities for agency staff and establish a procedure to identify contracts that require enhanced monitoring. The rules also adopt by reference the Texas Comptroller of Public Account's rules relating to Historically Underutilized Businesses, Competitive Sealed Bidding, and Competitive Sealed Proposals. The rules in Chapter 11 are necessary to implement the requirements in the TGC, Chapters 2155, 2156, 2161, 2260, and 2261; and Texas Water Code, Chapter 5

#### Public Comment

The public comment period closed on September 3, 2024. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 11 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039. Changes to the rules identified as part of this review process will be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

# Texas Commission on Environmental Quality



## ORDER ADOPTING RULES REVIEW AND READOPTING RULES

Docket No. 2023-0050-MIS  
Non-Rule Project No. 2023-068-011-AS

On November 20, 2024, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 Texas Administrative Code (TAC) Chapter 11, Contracts, in accordance with the requirements of Texas Government Code, § 2001.039, which requires a state agency to review and consider for reoption each of its rules every four years. The proposed Notice of Intention to Review was published in the July 26, 2024, issue of the *Texas Register* (49 TexReg 5549).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 11 is hereby adopted. The rules and the preamble to the rules approved by the Commission are incorporated by reference in this Order as if set forth at length verbatim in this Order.

IF ANY PORTION OF THIS ORDER is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Jon Niermann, Chairman

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Date Signed