**Vendor Texas Public Information Act**

The 86th Legislature passed legislation that resulted in significant changes to Chapter 552 of the Texas Government Code, commonly referred to as the “Texas Public Information Act”. These changes go into effect **January 1, 2020**, and impact the University of Houston System’s (hereinafter referred to as the “University”) requirements under the Texas Public Information Act and our relationship with external vendors and contractors.

Vendors and contractors contracting with the University for a contract of any value must be aware of the following:

1. The statutory definition of “Contracting information” under Section 552.003 of the Texas Government Code has been expanded to functionally include any communication or exchanged between the University and any vendor or contractor related to the performance of a final contract or work performed on behalf of the University. This means that all communications between University personnel and vendors, contractors, potential vendors, and potential contractors must be preserved pursuant to the University’s records retention schedule.
2. Information submitted to the University by a vendor, contractor, potential vendor or potential contractor in response to a request for bids, proposals, or qualifications may be except from disclosure as proprietary information if the following conditions are met:
   1. The information is not included in a voucher or contract related to the University’s expenditure of public funds.
   2. The information is not included in communications or other information sent between the University and the vendor/contractor related to the performance of a final contract with the University or work performed on behalf of the University.

Vendors and contractors contracting with the University for a contract over $1,000,000 must be aware of the following:

1. Vendors who engage with the University in a contract that either (a) has a stated expenditure of at least $1 million in public funds for the purchase of goods or services by the governmental body; or (b) results in the expenditure of at least $1 million in public funds for the purchase of goods or services by the governmental body in a fiscal year of the governmental body must preserve “contracting information”, as described in 552.003 of the Texas Government Code, for the time period set by University’s records retention schedule. Examples of “contracting information” include, but are not limited to:
   1. All communications between the University and the vendor during the solicitation, evaluation, or negotiation of the contract
   2. All communications between the University and the vendor related to the contract or performance of the contract.
   3. All information in a voucher or contract relating to the receipt or expenditure of public funds by the University.
   4. Any solicitation or bid documents relating to a contract with the University.
2. Upon request, vendors and contractors must promptly provide to the University with any “contracting information”, as defined by Tex. Gov’t Code §552.003, that is in the custody or possession of the vendor.
3. At the completion of the contract, vendors and contractors must either:
   1. Provide at no cost to the University all contracting information related to the contract that is in the vendor’s custody or possession; or
   2. Preserve the contracting information related to the contract as provided by the records retention requirements applicable to the University.
4. The University may not accept a bid for a contract or award a contract to an entity that the University has determined has knowingly or intentionally failed to comply with Subchapter J Chapter 552 of the Texas Government Code unless, the University finds that the vendor or contractor has taken adequate steps to ensure future compliance with the requirements of Subchapter J Chapter 552 of the Texas Government Code.
5. The University may terminate a contract without further obligation if a vendor or contractor fails to comply with the requirements of Subchapter J Chapter 552 of the Texas Government Code.