



Texas House of Representatives

Committee on Agriculture & Livestock

P.O. Box 2910 • Austin, Texas 78768-2910 • 512/463-0762

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OPINION COMMITTEE

RQ-0172-*gc*

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January 18, 2000

The Honorable John Cornyn
Texas Attorney General
209 West 14th
Austin, Texas 78711

FILE # ML-41231-00
I.D. # 41231

Dear General Cornyn,

Please accept this letter as a formal request for an AG's opinion regarding the federal Cooperative Purchasing Program and how it affects outdoor power equipment and farm implement dealers in the state of Texas.

In 1994, the Cooperative Purchasing Program was created in amendments to Section 481 in Public Law 103-355. This language allowed "a state, any department or agency of a state, and any political subdivision of a state, including a local government" to use federal supply schedules of the General Services Administration. Then in 1997, HR 2378 was passed repealing the Cooperative Purchasing Program. This Act was amended by eliminating the language dealing with state departments and agencies and political subdivisions of states.

My question is: Does this federal repeal of the Cooperative Purchasing Program affect the authority given to Texas agencies and political subdivisions under the provisions of Texas law?

I have enclosed a copy of a letter from the Oklahoma Attorney General's office regarding this same issue faced in Oklahoma. If you need further information, please contact my office at 463-0470. I appreciate your time and efforts.

Sincerely,

David Swinford

FROM : SENATOR SHURDEN

FAX NO. : 521 5615

Apr. 14 1999 10:08AM P3



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

April 12, 1999

Mr. Don Williams
Oklahoma Senate Post Office
Oklahoma State Capitol
Oklahoma City, Oklahoma 73105

Re: Cooperative Purchasing Program

Dear Mr. Williams:

I am in receipt of your letter dated March 15, 1999, to Attorney General W.A. Drew Edmondson, regarding the Cooperative Purchasing Program. The repeal of the Cooperative Purchasing Program by the federal government eliminates the usage of the GSA contracts as an exemption from Oklahoma's purchasing procedures. However, our statute refers to other federal programs, which may or may not have been repealed, that might apply.

If there are no other federal programs that apply to state or county purchasing, then the repeal contemplated by S.B. 71 would be appropriate. This letter does not constitute an official opinion of the Attorney General's office.

If I can be of any further assistance, please feel free to contact me at 522-1863.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Gruber", is written over a horizontal line.

TOM GRUBER
FIRST ASSISTANT ATTORNEY GENERAL

TG:seh

cc: W.A. Drew Edmondson
Attorney General