



December 2023

## Government Procurement Services

This newsletter provides information to government purchasing and contracting professionals regarding public procurement topics.

### UPCOMING CLASSES:

#### [Procurement Management Academy](#)

(Virtual)

[December 5, 2023](#)

#### [Specification Writing](#)

(Virtual)

[December 7, 2023](#)

#### [Writing Statements of Work](#)

(Virtual)

[December 12, 2023](#)



[More Info](#)

**Can I Accept This Gift?**

**Training Schedule**



This question often comes up this time of year. It is a common practice for vendors to give gifts to

their customers during the holiday season. Because we are government employees, we typically have restrictions on which gifts we can accept, if any. The purpose of prohibiting gifts to government employees is to prevent **even the appearance** that personal gifts influence government decisions.

**Texas Penal Code [§36.01(3)]** defines a benefit as *“anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest”* (pecuniary means relating to or consisting of money).

Section 36.08(d) of the Penal Code states: *“A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.”*

According to Texas Ethics Opinion [#61](#), employees may accept items of minimal value traditionally given out in the business trade.



## **Group Discounts Available**

### **CONTRACT ADMINISTRATION**

**January 18, 2024**

**April 24, 2024**

**May 22, 2024**

**November 5, 2024**

### **ESSENTIALS OF CONTRACT MANAGEMENT**

**February 20-21, 2024**

**December 4-5, 2024**

### **ETHICS AND FRAUD IN CONTRACTING**

**February 6, 2024**

**September 10, 2024**

**November 19, 2024**

### **FUNDAMENTALS OF PUBLIC PURCHASING**

**March 5-6, 2024**

**October 8-9, 2024**

**November 12-13, 2024**

These are typical promotional items such as pens, notepads, bags, etc.

Of course, you should check the gift policy for your entity, as governmental entities may have policies stricter than the Penal Code.

Most of you can relate to a vendor coming to your office with a box of chocolates, cookies, etc., to celebrate an upcoming holiday. What do you tell the vendor? Do you reject the vendor's gift, or do you accept it? According to the Texas Ethics Commission, "***small amounts of perishable food delivered infrequently to government offices are generally not considered benefits***" (Opinions [#62](#) and [#130](#)).

Many government entities will accept a box of cookies, donuts, etc. Typically, the food is put in a break room for all employees to enjoy. I encourage you to be careful with this practice. I suggest you let the vendor know that you appreciate their gesture but request that they not offer it in the future.

All government entities should consider including "no gift" language on their website to deter vendors from bringing gifts. Below is an example of such language.

***Attention Vendors!  
No Gift Policy***

*[Government entity] employees are not allowed to accept gifts from vendors. This includes paying for meals. If you customarily send a token of appreciation to your customers during the holiday season, [Government entity] asks that you please not send any item to [Government entity]*

**NEGOTIATION SKILLS**

April 9, 2024  
October 23, 2024

**PROCUREMENT  
MANAGEMENT  
ACADEMY**

December 5, 2023  
April 17, 2024  
June 4-5, 2024  
July 9-10, 2024  
October 16, 2024  
December 10-11, 2024

**PURCHASING 101  
FOR EVERYONE**

February 15, 2024  
April 25, 2024  
May 21, 2024  
August 6, 2024  
December 4, 2024

**SPECIFICATION  
WRITING**

December 7, 2023  
March 26, 2024  
September 11, 2024  
December 19, 2024

**USING REQUEST FOR  
PROPOSALS**

January 30, 2024  
April 3, 2024  
July 17, 2024  
November 21, 2024

*employees or offices. Many worthy organizations in our community would be happy to receive such items and will see that they go to people in need. Your assistance is appreciated.*

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## QUESTION OF THE MONTH

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### Question:

"What is the appropriate amount of time to extend a bid opening when you send the bidders a change to the specification through an addendum?"



### Answer:

It depends on what changes you are making. The more complex the changes and the closer to the bid opening date, the longer the time extension. For example, if you change the quantity of an item from 14 each to 15 each and the addendum is sent out within the first couple of days, I would only extend the bid opening a few days - if at all. However, if you are changing information that significantly affects the price, requires additional research on the part of the vendor, or is close to the opening date, I would give it an extra ten days or whatever time is appropriate based on the changes made.

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## WRITING STATEMENTS OF WORK

December 12, 2023

May 15, 2024

October 22, 2024

November 7, 2024