



TEXAS
WORKERS' COMPENSATION COMMISSION
SOUTHFIELD BUILDING, MS-4D, 4000 SOUTH IH-35, AUSTIN, TEXAS 78704-7491
(512) 448-7900

November 17, 1994

RQ-764

Honorable Dan Morales
Attorney General of Texas
P.O. Box 12568
Austin, Texas 78711

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Opinion Committee

SJS

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Re: Request for an Attorney General Opinion

Dear Honorable Attorney General Morales:

We respectfully request an Attorney General Opinion concerning the interpretation and application of Tx. Fam. Code §14.52 (Vernon Supp. 1994).

The provision states in part:

"(a) A child support obligor who is 30 or more days delinquent in paying child support is not eligible to:

(1) submit a bid or enter into a contract . . . "

In talking to different agencies it seems each agency has its own interpretation. Some believe it includes all contracts whether verbal and followed up by a purchase order, or written and/or an invitation for bid. Others believe it applies only to invitations for bids. Our question is: what contracts does this provision cover? Will it be only invitations for bids, or any agreement/contract entered into by the State and the child support obligor? We have received a memorandum from GSC (see attached) that seems to only require the affidavit for invitation for bids. A reading of the complete statutory provision seems to indicate all contracts which could be an administrative nightmare and not the best business practice. We need your guidance on this matter.

Once this question is resolved, additional questions arise. Pursuant to the General Services Commission (GSC) Catalog procedure, certain vendors are approved to be in the catalog. Who is responsible for obtaining the affidavit for those vendors? Would it be GSC at the time of approving the vendor to be included in the catalog, or is it the receiving agency? For term contracts, who is responsible for obtaining the affidavit - the purchasing agency or the awarding agency (which in this case would be GSC)?

We would appreciate an opinion from your office. Thank you for your attention in this matter.

Sincerely,


Todd K. Brown
Executive Director