

1 **CHAPTER 857. PURCHASE OF GOODS AND SERVICES FOR VOCATIONAL**
2 **REHABILITATION SERVICES BY TEXAS WORKFORCE COMMISSION**

3
4 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***
5 ***REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
6 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS REGISTER*.**
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8 The Texas Workforce Commission (TWC) adopts the repeal of Chapter 857 in its entirety,
9 relating to the Purchase of Goods and Services for Vocational Rehabilitation Services by Texas
10 Workforce Commission, without changes, as published in the February 21, 2020, issue of the
11 *Texas Register* (45 TexReg 1201):
12

13 Section 857.1. Noncompetitive Procurement

14 **PURPOSE, BACKGROUND, AND AUTHORITY**

15 The purpose of the adopted chapter repeal is to streamline TWC rules by incorporating the
16 relevant portions of this chapter into Chapter 858, Vocational Rehabilitation Services Contract
17 Management, which is being amended and renamed in a separate proposed rulemaking.
18

19 Effective September 1, 2016, pursuant to Texas Labor Code §351.002, the administration of
20 vocational rehabilitation (VR) services was transferred from the Texas Department of Assistive and
21 Rehabilitative Services (DARS) to TWC. To ensure continuity and avoid any impact on customers,
22 the administrative rules shared by all DARS programs were duplicated into Chapters 850, 857, and
23 858 of TWC's rules upon transfer of the programs. Because the rules established DARS'
24 administrative framework and served all DARS programs, they overlap certain existing TWC
25 administrative rules and contain numerous references to programs that were not transferred to
26 TWC.
27

28 Chapter 857 consists of one section, §857.1, which authorizes the use of open-enrollment
29 solicitation and interagency contracting, in addition to other noncompetitive procurement methods.
30 To streamline TWC rules and preserve the relevant subsections of §857.1, the chapter should be
31 repealed and its relevant content should be amended and moved to Chapter 858, which will be
32 renamed "Vocational Rehabilitation Purchases and Contracts" to reflect the additional content.
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34 No comments were received.
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36 TWC hereby certifies that the chapter repeal has been reviewed by legal counsel and found to
37 be within TWC's legal authority to adopt.
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39 The repeal is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide TWC
40 with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective
41 administration of TWC services and activities.
42

43 The repeal affects Title 4, Texas Labor Code, particularly Chapters 351 and 352.