

## **Products & Materials Produced in Texas**

This clause only applies to service contracts. Clearly, where a service contract requires that the contractor purchase products and materials in order to perform the contracted service, the contractor must agree to prefer comparable Texas products and materials as set out in [Section 2155.4441 of our Texas Government Code](#). A question arises, however, in contracts for which no products or materials are specifically purchased to perform the contract. For example, the purchase of accesses to a database housed in New York City could be interpreted as a non-service contract. However, if it is, the question remains whether the database contractor will purchase any products or materials to perform the contract when performance merely means providing access to an already existing collection of journals and additional issues added during the term of the contract. While it certainly may be reasonable for contractors to determine whether they believe this clause applies to them, a State agency should generally not exclude this clause in any contract that could reasonably be interpreted to be a service contract.