

BILL ANALYSIS

Senate Research Center
88R17668 LRM-F

H.B. 2738
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Local Government
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The General Land Office (GLO) has asked for help implementing the indefinite delivery/indefinite quantity contract requirements ahead of storm season. GLO is limited by the requirement that request for proposal procurement be used to select vendors for those contracts during preparation for hurricane season. Request for proposal requires data and information such as vendor pricing when evaluating and awarding contracts. However, the scope of the work is still unknown before a storm hits, making this information impossible to collect. H.B. 2738 replaces the request for proposal procurement requirement with a request for qualifications procurement method to be used to solicit vendors to provide these services. The request for qualifications method of procurement is an available tool that would allow the GLO to select vendors based on their qualifications to perform the work, which are the only measurable criteria available before the scope of the disaster is known.

H.B. 2738 amends current law relating to certain indefinite quantity contracts entered into by the General Land Office in the event of a natural disaster.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.069, Natural Resources Code, by amending Subsections (a), (b), (c), and (h) and adding Subsections (i), (j), (k), and (l), as follows:

(a) Requires the General Land Office (GLO) to enter into indefinite quantity contracts with vendors to provide services GLO determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster. Deletes existing text specifying the contracts are to be for information management services and construction services, including engineering services.

(b) Requires that the terms of a contract under Subsection (a) provide that the contract is contingent on:

- (1) redesignates existing Paragraph (A) as Subdivision (1);
- (2) the occurrence of a natural disaster within the term of the contract; and
- (3) redesignates existing Paragraph (C) as Subdivision (3).

Deletes existing text prohibiting a contract entered into under Subsection (a) from expiring after May 1 of a calendar year. Deletes existing text requiring that the terms of a contract under Subsection (a) provide that the contract is contingent on the occurrence of a natural disaster not later than 48 months after the effective date of the contract and have a term of four years.

(c) Requires GLO to ensure that it has contracts in place under Section 31.069 (Indefinite Quantity Contracts for Services After Declared Natural Disaster) with vendors to provide services, rather than provide the services described by Subsection (a), that take effect immediately on the expiration of a contract under this section.

(h) Requires GLO, notwithstanding any other provision of this section, to follow the procedures provided by Section 2254.004 (Contract for Professional Services of Architect, Engineer, or Surveyor), Government Code, in contracting for engineering services under this section.

(i) Authorizes GLO to award a contract under this section to one or more vendors:

(1) on the basis of demonstrated competence and qualifications to perform the services for which GLO issues a request for qualifications; or

(2) using any other applicable state procurement method.

(j) Authorizes a contract under this section to include:

(1) a unit price book;

(2) a list of pre-priced work items; or

(3) another schedule identifying agreed prices for services.

(k) Requires that a contract under this section that does not include the items listed in Subsection (j) require a vendor to submit a price proposal for services on request by GLO.

(l) Requires GLO to issue task, work, or purchase orders for services under a contract entered into under this section to the vendor that provides the best value to GLO using the standard provided by Section 2155.074 (Best Value Standard for Purchase of Goods or Services), Government Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.