

By: Thompson of Brazoria

H.B. No. 2738

Substitute the following for H.B. No. 2738:

By: Burns

C.S.H.B. No. 2738

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain indefinite quantity contracts entered into by
3 the General Land Office in the event of a natural disaster.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 31.069, Natural Resources Code, is
6 amended by amending Subsections (a), (b), (c), and (h) and adding
7 Subsections (i), (j), (k), and (l) to read as follows:

8 (a) The land office shall enter into indefinite quantity
9 contracts with vendors to provide [~~information management~~
10 ~~services, construction services, including engineering services,~~
11 ~~and other~~] services the land office determines may be necessary to
12 construct, repair, or rebuild property or infrastructure in the
13 event of a natural disaster.

14 (b) [~~A contract entered into under Subsection (a) may not~~
15 ~~expire after May 1 of a calendar year.~~] The terms of a contract
16 under Subsection (a) must[+]

17 [~~(1)~~] provide that the contract is contingent on:

18 (1) [~~(A)~~] the availability of funds;

19 (2) [~~(B)~~] the occurrence of a natural disaster within
20 the term [~~not later than 48 months after the effective date~~] of the
21 contract; and

22 (3) [~~(C)~~] delivery of the services to an area of this
23 state declared by the governor or president of the United States
24 under law to be a disaster area as a result of the natural

1 disaster [~~and~~

2 [~~(2) have a term of four years~~].

3 (c) The land office shall ensure that it has contracts in
4 place under this section with vendors to provide [~~the~~] services
5 [~~described by Subsection (a)~~] that take effect immediately on the
6 expiration of a contract under this section.

7 (h) Notwithstanding any other provision of this section,
8 the [~~The~~] land office shall follow the procedures provided by
9 Section 2254.004, Government Code, in contracting for engineering
10 services under this section.

11 (i) The land office may award a contract under this section
12 to one or more vendors:

13 (1) on the basis of demonstrated competence and
14 qualifications to perform the services for which the land office
15 issues a request for qualifications; or

16 (2) using any other applicable state procurement
17 method.

18 (j) A contract under this section may include:

19 (1) a unit price book;

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

21 (3) another schedule identifying agreed prices for
22 services.

23 (k) A contract under this section that does not include the
24 items listed in Subsection (j) must require a vendor to submit a
25 price proposal for services on request by the land office.

26 (l) The land office shall issue task, work, or purchase
27 orders for services under a contract entered into under this

1 section to the vendor that provides the best value to the land
2 office using the standard provided by Section 2155.074, Government
3 Code.

4 SECTION 2. The change in law made by this Act applies only
5 to a contract for which the General Land Office first advertises or
6 otherwise solicits bids, proposals, offers, or qualifications or
7 makes a similar solicitation on or after the effective date of this
8 Act. A contract for which the General Land Office first advertises
9 or otherwise solicits bids, proposals, offers, or qualifications or
10 makes a similar solicitation before the effective date of this Act
11 is governed by the law in effect on the date the advertisement or
12 solicitation is made, and that law is continued in effect for that
13 purpose.

14 SECTION 3. This Act takes effect September 1, 2023.