

1-1 By: Thompson of Brazoria (Senate Sponsor - Miles) H.B. No. 2738  
1-2 (In the Senate - Received from the House April 24, 2023;  
1-3 April 25, 2023, read first time and referred to Committee on Local  
1-4 Government; May 17, 2023, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to certain indefinite quantity contracts entered into by  
1-20 the General Land Office in the event of a natural disaster.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 31.069, Natural Resources Code, is  
1-23 amended by amending Subsections (a), (b), (c), and (h) and adding  
1-24 Subsections (i), (j), (k), and (l) to read as follows:

1-25 (a) The land office shall enter into indefinite quantity  
1-26 contracts with vendors to provide ~~[information management~~  
1-27 ~~services, construction services, including engineering services,~~  
1-28 ~~and other]~~ services the land office determines may be necessary to  
1-29 construct, repair, or rebuild property or infrastructure in the  
1-30 event of a natural disaster.

1-31 (b) ~~[A contract entered into under Subsection (a) may not~~  
1-32 ~~expire after May 1 of a calendar year.]~~ The terms of a contract  
1-33 under Subsection (a) must ~~+~~

1-34 ~~[(1)]~~ provide that the contract is contingent on:

1-35 (1) ~~[(A)]~~ the availability of funds;

1-36 (2) ~~[(B)]~~ the occurrence of a natural disaster within  
1-37 the term [not later than 48 months after the effective date] of the  
1-38 contract; and

1-39 (3) ~~[(C)]~~ delivery of the services to an area of this  
1-40 state declared by the governor or president of the United States  
1-41 under law to be a disaster area as a result of the natural  
1-42 disaster ~~+, and~~

1-43 ~~[(2) have a term of four years].~~

1-44 (c) The land office shall ensure that it has contracts in  
1-45 place under this section with vendors to provide ~~[the]~~ services  
1-46 ~~[described by Subsection (a)]~~ that take effect immediately on the  
1-47 expiration of a contract under this section.

1-48 (h) Notwithstanding any other provision of this section,  
1-49 the [The] land office shall follow the procedures provided by  
1-50 Section 2254.004, Government Code, in contracting for engineering  
1-51 services under this section.

1-52 (i) The land office may award a contract under this section  
1-53 to one or more vendors:

1-54 (1) on the basis of demonstrated competence and  
1-55 qualifications to perform the services for which the land office  
1-56 issues a request for qualifications; or

1-57 (2) using any other applicable state procurement  
1-58 method.

1-59 (j) A contract under this section may include:

1-60 (1) a unit price book;

1-61 (2) a list of pre-priced work items; or

2-1 (3) another schedule identifying agreed prices for  
2-2 services.

2-3 (k) A contract under this section that does not include the  
2-4 items listed in Subsection (j) must require a vendor to submit a  
2-5 price proposal for services on request by the land office.

2-6 (l) The land office shall issue task, work, or purchase  
2-7 orders for services under a contract entered into under this  
2-8 section to the vendor that provides the best value to the land  
2-9 office using the standard provided by Section [2155.074](#), Government  
2-10 Code.

2-11 SECTION 2. The change in law made by this Act applies only  
2-12 to a contract for which the General Land Office first advertises or  
2-13 otherwise solicits bids, proposals, offers, or qualifications or  
2-14 makes a similar solicitation on or after the effective date of this  
2-15 Act. A contract for which the General Land Office first advertises  
2-16 or otherwise solicits bids, proposals, offers, or qualifications or  
2-17 makes a similar solicitation before the effective date of this Act  
2-18 is governed by the law in effect on the date the advertisement or  
2-19 solicitation is made, and that law is continued in effect for that  
2-20 purpose.

2-21 SECTION 3. This Act takes effect September 1, 2023.

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