

BILL ANALYSIS

C.S.S.B. 300
By: Miles
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that, in a report published by the General Land Office (GLO), the GLO recommended that it bid out indefinite quantity contracts for information management, construction, and other engineering construction services under the Federal Acquisition Regulation procedures before the annual hurricane season each year so that contracts are in place to be used within a week of a major disaster. C.S.S.B. 300 seeks to address this issue by requiring the GLO to enter into indefinite quantity contracts with vendors for the provision of certain services to declared disaster areas following a natural disaster.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 300 amends the Natural Resources Code to require the General Land Office (GLO), not later than May 1, 2020, to enter into indefinite quantity contracts with vendors to provide information management services, construction services, and other services the GLO determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster. The bill prohibits such a contract from expiring after May 1 of a calendar year. The bill prescribes requirements for the terms of such a contract and requires the GLO to ensure that it has contracts in place with vendors to provide certain services determined by the GLO that take effect immediately on the expiration of a contract. The bill authorizes a contract to be funded by multiple sources including local, state, and federal agencies and the disaster contingency fund. The bill requires the GLO to ensure that a contract for which the GLO determines federal funds may be used complies with the requirements of the Federal Acquisition Regulation or a successor regulation. The bill requires the GLO, in awarding such a contract, to consider and apply any applicable state law and GLO rules relating to contracting with historically underutilized businesses.

C.S.S.B. 300 establishes that, if on September 1, 2019, the GLO has indefinite quantity contracts with vendors for the provision of the services specified under the bill's provisions, the GLO is not required to enter into new indefinite quantity contracts that meet the requirements prescribed by the bill until those existing contracts expire. This provision expires September 1, 2023.

C.S.S.B. 300 requires the GLO to follow the procedures prescribed by statutory provisions relating to contracts for professional services of architects, engineers, or surveyors in contracting for engineering services under the bill's provisions.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 300 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include the specification that the engineering services provided under an indefinite quantity contract are engineering construction services.

The substitute changes to the GLO the entity required to follow certain contract procedures for professional services of architects, engineers, or surveyors in contracting for engineering services under the bill's provisions.