By:  Miles S.B. No. 300

(In the Senate - Filed January 4, 2019; February 7, 2019, read first time and referred to Committee on Intergovernmental Relations; April 1, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; April 1, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

COMMITTEE SUBSTITUTE FOR S.B. No. 300 By:  Menéndez

A BILL TO BE ENTITLED

AN ACT

relating to indefinite quantity contracts for the provision of certain services to declared disaster areas following a natural disaster.

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

SECTION 1.  Section 2254.004(a), Government Code, is amended to read as follows:

(a)  In procuring architectural, engineering, or land surveying services, including procuring those services under an indefinite quantity contract under Section 31.069, Natural Resources Code, a governmental entity shall:

(1)  first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and

(2)  then attempt to negotiate with that provider a contract at a fair and reasonable price.

SECTION 2.  Subchapter C, Chapter 31, Natural Resources Code, is amended by adding Section 31.069 to read as follows:

Sec. 31.069.  INDEFINITE QUANTITY CONTRACTS FOR SERVICES AFTER DECLARED NATURAL DISASTER. (a)  The land office shall enter into indefinite quantity contracts with vendors to provide information management services, construction services, including engineering construction services, and other services the land office determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster.

(b)  A contract entered into under Subsection (a) may not expire after May 1 of a calendar year. The terms of a contract under Subsection (a) must:

(1)  provide that the contract is contingent on:

(A)  the availability of funds;

(B)  the occurrence of a natural disaster not later than 48 months after the effective date of the contract; and

(C)  delivery of the services to an area of this state declared by the governor or president of the United States under law to be a disaster area as a result of the natural disaster; and

(2)  have a term of four years.

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

(d)  A contract under this section may be funded by multiple sources including local, state, and federal agencies and the disaster contingency fund established under Section 418.073, Government Code.

(e)  If the land office determines that federal funds may be used for a contract under Subsection (a), the land office shall ensure that the contract complies with the requirements of the Federal Acquisition Regulation (48 C.F.R. Chapter 1), or a successor regulation.

(f)  In awarding a contract under this section, the land office shall consider and apply any applicable state law and rules of the land office relating to contracting with historically underutilized businesses.

(g)  If on September 1, 2019, the land office has indefinite quantity contracts with vendors for the provision of the types of services specified by Subsection (a), the land office is not required to enter into new indefinite quantity contracts that meet the requirements of this section until those existing contracts expire. This subsection expires September 1, 2023.

SECTION 3.  Except as provided by Section 31.069(g), Natural Resources Code, as added by this Act, the General Land Office shall enter into indefinite quantity contracts required by Section 31.069, Natural Resources Code, as added by this Act, not later than May 1, 2020.

SECTION 4.  This Act takes effect September 1, 2019.

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