

BILL ANALYSIS

C.S.H.B. 2738
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The General Land Office (GLO) has asked for help implementing the indefinite delivery/indefinite quantity contract requirements ahead of storm season. The 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. C.S.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.

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.H.B. 2738 amends the Natural Resources Code to authorize the General Land Office (GLO) to award an indefinite quantity contract for services after a declared natural disaster to one or more vendors on the basis of demonstrated competence and qualifications to perform the services for which the GLO issues a request for qualifications or using any other applicable state procurement method. The bill authorizes such a contract to include a unit price book, a list of pre-priced work items, or another schedule identifying agreed prices for services. A contract that does not include one of those items must require a vendor to submit a price proposal for services on request by the GLO. The GLO must issue task, work, or purchase orders for services under the contract to the vendor that provides the best value to the GLO using the best value standard for purchase of goods or services provided by state law.

C.S.H.B. 2738 makes additional changes to the provisions governing indefinite quantity contracts for services after a declared natural disaster as follows:

- removes references to information management services, construction services, and engineering services as specified services for which the GLO enters into indefinite quantity contracts but retains the provisions' applicability to all services, without specification, that the GLO determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster;

- removes a prohibition against the expiration of an indefinite quantity contract after May 1 of a calendar year;
- changes a condition on which the terms of the contract must be contingent from a natural disaster occurring not later than 48 months after the effective date of such a contract to a natural disaster occurring within the term of the contract; and
- removes the requirement that the contract have a term of four years.

C.S.H.B. 2738 applies only to a contract for which the GLO first advertises or otherwise solicits bids, proposals, offers, or qualifications or makes a similar solicitation on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 2738 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.