

BILL ANALYSIS

Senate Research Center
86R1963 MCK-D

S.B. 300
By: Miles
Intergovernmental Relations
3/22/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The General Land Office (GLO) published a report in August 2018 called "Hurricane Harvey: Texas at Risk." The report detailed lessons learned from Hurricane Harvey and recommended 18 changes to better prepare for the next natural disaster.

In that report, GLO recommended that GLO "bid out indefinite quantity contracts (IQCs) for information management, construction, and other engineering construction services under the Federal Acquisition Regulation (FAR) procedures before the annual hurricane season each year, so contracts are in place to be used within a week of a major disaster."

GLO published this recommendation because it faced a complex "tangle of federal regulations" when responding to Hurricane Harvey. This was because, for the first time in U.S. history, FEMA and GLO jointly managed temporary housing post-hurricane. And since GLO had never administered these programs before, it had no pre-hurricane contracts in place. GLO faced a slow and bureaucratic process to secure contracts while satisfying the FAR requirements.

S.B. 300 instructs GLO to enter, before May 2 of each year, into indefinite quantity contracts with vendors to construct, repair, or rebuild property or infrastructure if a natural disaster occurs. These contracts should include provisions for information management, construction, and engineering services or any other service GLO deems necessary. They would be negotiated and agreed to before hurricane season each year, allowing GLO to respond more quickly and more efficiently to natural disasters.

These contracts must be contingent on the availability of funds, the occurrence of a natural disaster within 12 months, and the delivery of the services to an area declared a disaster by the governor or the president of the United States.

GLO will ensure compliance with the Federal Acquisition Regulation requirements, if necessary, and consider historically underutilized businesses under existing state law when awarding these contracts.

As proposed, S.B. 300 amends current law relating to indefinite quantity contracts for the provision of certain services to declared disaster areas following a natural disaster.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 31, Natural Resources Code, by adding Section 31.069, as follows:

Sec. 31.069. INDEFINITE QUANTITY CONTRACTS FOR SERVICES AFTER DECLARED NATURAL DISASTER. (a) Requires the Texas General Land Office (GLO) to enter into indefinite quantity contracts with vendors to provide information management services, construction services, including engineering construction services,

and other services GLO office determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster.

(b) Provides that the terms of the contract under Subsection (a) must provide that the contract is contingent on:

(1) the availability of funds;

(2) the occurrence of a natural disaster not later than 12 months after the effective date of the contract; and

(3) 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.

(c) Requires GLO, if GLO determines that federal funds may be used for a contract under Subsection (a), to ensure that the contract complies with the requirements of the Federal Acquisition Regulation (48 C.F.R. Chapter 1), or a successor regulation.

(d) Requires GLO, in awarding a contract under this section, to consider and apply any applicable state law and GLO rules relating to contracting with historically underutilized businesses.

SECTION 2. Effective date: September 1, 2019.