

SUBJECT: Requiring GLO to enter specific contracts to rebuild following a disaster

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

SENATE VOTE: On final passage, April 4 — 31-0

WITNESSES: For — (*Registered, but did not testify*: Clifford Sparks, City of Dallas; Ender Reed, Harris County Commissioners Court; Arthur Simon)

Against — None

On — (*Registered, but did not testify*: Christa Lopez, Texas General Land Office)

DIGEST: CSSB 300 would require the General Land Office (GLO) to enter into indefinite quantity contracts with vendors to provide information management services, construction services, including engineering services, and other services to construct, repair, or rebuild property or infrastructure in the event of a natural disaster.

A contract entered into could not expire after May 1 of a calendar year. The terms of the contract would have to provide that it was contingent on the availability of funds, the occurrence of a natural disaster within 48 months after the effective date of the contract, and delivery of services to an area declared by the governor or U.S. president to be a disaster area as a result of a natural disaster. A contract would have a term of four years.

A contract could be funded by multiple sources, including local, state, and federal agencies and the disaster contingency fund established in law. If GLO determined that federal funds could be used for a contract, it would

have to ensure that the contract complied with federal acquisition regulations.

In awarding a contract, GLO would have to consider and apply any applicable state law and rules relating to contracting with historically underutilized businesses. GLO would have to follow procedures under state law for contracting for certain professional services.

GLO would have to ensure that it had contracts in place with vendors to provide the services that took effect immediately on the expiration of a previous contract under the bill. If on September 1, 2019, GLO had indefinite quantity contracts with vendors for the provision of services, GLO would not be required to enter into new contracts that met the bill's requirements until those existing contracts expired.

GLO would have to enter into indefinite quantity contracts by May 1, 2020.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

CSSB 300 would improve response and recovery efforts in future disasters by helping the state respond faster and more efficiently. Based on lessons learned from its housing assistance mission, in the report *Hurricane Harvey: Texas at Risk*, the General Land Office (GLO) recommended bidding out indefinite quantity contracts before each hurricane season for necessary services so contracts would be in place and could be activated within a week of a natural disaster. GLO faced problems with federal contracting regulations and insufficient contracts while responding to Harvey, which slowed response time and led to deficiencies in recovery measures.

Indefinite quantity contracts are contracts in waiting that help streamline the contract process and expedite service delivery. The contracts would be negotiated and agreed to prior to a disaster and cast a broad net to ensure that all possible needs could be met after an actual event. Final pricing and contracting details would be decided once an event occurred, allowing

GLO to assess whether a vendor continued to be qualified and determine the quantity and level of services needed.

The bill would ensure that contractors remained to help with recovery efforts and would save taxpayer money. Many contractors left Texas after Harvey to provide recovery assistance in other states paying more for contracted services. As a result, the prices for services from remaining vendors increased. Requiring GLO to enter into contracts prior to a hurricane season and negotiate prices at a time when there was no emergency would make certain that vendors remained to provide services and could not increase prices.

OPPONENTS  
SAY:

No concerns identified.