

By the Committee on Governmental Oversight and Productivity;
and Senator Brown-Waite

302-1963-00

1 A bill to be entitled
2 An act relating to electronic procurement;
3 amending s. 287.012, F.S.; revising certain
4 definitions to include bids or proposals
5 transmitted or received by electronic means;
6 amending s. 287.042, F.S.; requiring the
7 Department of Management Services to consult
8 with the State Technology Office on joint
9 agreements involving the purchase of
10 information technology resources; amending s.
11 287.057, F.S.; authorizing the State Technology
12 Office to purchase or authorize certain
13 purchases by negotiation under certain
14 circumstances; requiring the office to develop
15 a program for on-line procurement of
16 commodities and contractual services; providing
17 a limitation; authorizing the office to
18 contract for certain equipment and services;
19 authorizing the office to adopt rules for
20 certain purposes; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Subsections (5), (11), and (15) of section
25 287.012, Florida Statutes, are amended to read:

26 287.012 Definitions.--The following definitions shall
27 apply in this part:

28 (5) "Competitive sealed bids" or "competitive sealed
29 proposals" refers to the receipt of two or more sealed bids or
30 proposals submitted by responsive and qualified bidders or
31 offerors and includes bids or proposals transmitted by

1 electronic means in lieu of or in addition to written bids or
2 proposals.

3 (11) "Invitation to bid" means a written solicitation
4 for competitive sealed bids with the title, date, and hour of
5 the public bid opening designated and specifically defining
6 the commodity, group of commodities, or services for which
7 bids are sought. It includes instructions prescribing all
8 conditions for bidding and shall be distributed to all
9 prospective bidders simultaneously. The invitation to bid is
10 used when the agency is capable of specifically defining the
11 scope of work for which a contractual service is required or
12 when the agency is capable of establishing precise
13 specifications defining the actual commodity or group of
14 commodities required. A written solicitation includes a
15 solicitation published or transmitted by electronic means.

16 (15) "Request for proposals" means a written
17 solicitation for competitive sealed proposals with the title,
18 date, and hour of the public opening designated. A written
19 solicitation includes a solicitation published or transmitted
20 by electronic means.The request for proposals is used when
21 the agency is incapable of specifically defining the scope of
22 work for which the commodity, group of commodities, or
23 contractual service is required and when the agency is
24 requesting that a qualified offeror propose a commodity, group
25 of commodities, or contractual service to meet the
26 specifications of the solicitation document. A request for
27 proposals includes, but is not limited to, general
28 information, applicable laws and rules, functional or general
29 specifications, statement of work, proposal instructions, and
30 evaluation criteria. Requests for proposals shall state the
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1 relative importance of price and any other evaluation
2 criteria.

3 Section 2. Paragraph (a) of subsection (16) of section
4 287.042, Florida Statutes, is amended to read:

5 287.042 Powers, duties, and functions.--The department
6 shall have the following powers, duties, and functions:

7 (16)(a) To enter into joint agreements with
8 governmental agencies, as defined in s. 163.3164(10), for the
9 purpose of pooling funds for the purchase of commodities,
10 information technology resources, or services that can be used
11 by multiple agencies. However, the department shall ~~may~~
12 consult with the State Technology Office on joint agreements
13 that involve the purchase of information technology resources.
14 Agencies entering into joint purchasing agreements with the
15 department shall authorize the department to contract for such
16 purchases on their behalf.

17 Section 3. Paragraph (h) is added to subsection (3) of
18 section 287.057, Florida Statutes, and subsection (22) is
19 added to that section, to read:

20 287.057 Procurement of commodities or contractual
21 services.--

22 (3) When the purchase price of commodities or
23 contractual services exceeds the threshold amount provided in
24 s. 287.017 for CATEGORY TWO, no purchase of commodities or
25 contractual services may be made without receiving competitive
26 sealed bids or competitive sealed proposals unless:

27 (h) When it is in the best interest of the state, the
28 State Technology Office may purchase, or authorize an agency
29 to purchase, information technology or information technology
30 resources, as defined in s. 282.303, by negotiation provided
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1 such purchases shall be made only under conditions most
2 favorable to the public interest.

3 (22)(a) The State Technology Office of the department
4 shall develop a program for on-line procurement of commodities
5 and contractual services. Only bidders prequalified as
6 meeting mandatory requirements and qualifications criteria
7 shall be permitted to participate in on-line procurements.
8 The State Technology Office may contract for equipment and
9 services necessary to develop and implement on-line
10 procurements.

11 (b) The State Technology Office may adopt rules,
12 pursuant to ss. 120.536(1) and 120.54, to implement the
13 program for on-line procurements. The rules shall include, but
14 not be limited to:

15 1. Determining the requirements and qualification
16 criteria for prequalifying bidders.

17 2. Establishing the procedures for conducting on-line
18 procurements.

19 3. Establishing the criteria for eligible commodities
20 and contractual services.

21 4. Establishing the procedures for providing access to
22 on-line procurements.

23 Section 4. This act shall take effect upon becoming a
24 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1420
4 Deletes bill's provisions requiring state agencies to allow
5 certain enumerated services to be transacted on the Internet.
6 Deletes bill's provisions requiring the Department of
7 Education to provide certain services and information on the
8 Internet.
9 Changes the Department of Management Services's (DMS)
10 oversight responsibilities for state technology management
11 contained in the bill.
12 Provides that state agencies may solicit and receive bids and
13 proposals in the competitive bidding process via electronic
14 means.
15 Provides that the State Technology Office within the DMS may
16 purchase, or may authorize agencies to purchase, information
17 technology by negotiation, rather than through the competitive
18 bidding process, if it is in the state's best interest.
19 Requires the State Technology Office to develop an on-line
20 procurement program.
21 Permits the State Technology Office to adopt rules to
22 implement the on-line procurement program.
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