

By the Committee on Commerce and Economic Opportunities; and  
Senator Geller

310-1956-00

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 auctions for procurement  
16          of commodities and contractual services;  
17          providing a limitation; authorizing the office  
18          to contract for certain equipment and services;  
19          authorizing the office to adopt rules for  
20          certain purposes; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
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

31

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  
31

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 auctions for procurement  
5 of commodities and contractual services. Only bidders  
6 prequalified as meeting mandatory requirements and  
7 qualifications criteria shall be permitted to participate in  
8 on-line auctions. The State Technology Office may contract  
9 for equipment and services necessary to develop and implement  
10 on-line auctions.

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 auctions. The rules shall include, but are  
14 not limited to, rules prescribing:

15 1. The requirements and qualification criteria for  
16 prequalifying bidders.

17 2. The procedures for conducting on-line auctions.

18 3. The criteria for eligible commodities and  
19 contractual services.

20 4. The procedures for providing access to on-line  
21 auctions.

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

24  
25  
26  
27  
28  
29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 1492

This committee substitute allows state agencies to accept bids and proposals by electronic means for the procurement of personal property and services. Invitations to bid and requests for proposals may also be published by electronic means.

The State Technology Office in the Department of Management Services is required under this committee substitute to develop a program for on-line auctions for the procurement of commodities and contractual services. Only bidders that have pre-qualified may participate in the on-line auction, and the State Technology Office may contract for equipment and services necessary to implement an on-line auction.