

By the Committees on Governmental Oversight and Productivity;  
Commerce and Economic Opportunities; and Senator Geller

302-2135-00

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.; requiring the State Technology  
12          Office to develop a program for on-line  
13          procurement of commodities and contractual  
14          services; providing a limitation; authorizing  
15          the office to contract for certain equipment  
16          and services; authorizing the office to adopt  
17          rules for certain purposes; providing an  
18          effective date.

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

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22           Section 1. Subsections (5), (11), and (15) of section  
23 287.012, Florida Statutes, are amended to read:

24           287.012 Definitions.--The following definitions shall  
25 apply in this part:

26           (5) "Competitive sealed bids" or "competitive sealed  
27 proposals" refers to the receipt of two or more sealed bids or  
28 proposals submitted by responsive and qualified bidders or  
29 offerors and includes bids or proposals transmitted by  
30 electronic means in lieu of or in addition to written bids or  
31 proposals.

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

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

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

3           287.042 Powers, duties, and functions.--The department  
4 shall have the following powers, duties, and functions:

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

15           Section 3. Subsection (22) is added to section  
16 287.057, Florida Statutes, to read:

17           287.057 Procurement of commodities or contractual  
18 services.--

19           (22)(a) The State Technology Office of the department  
20 shall develop a program for on-line procurement of commodities  
21 and contractual services. Only bidders prequalified as  
22 meeting mandatory requirements and qualifications criteria  
23 shall be permitted to participate in on-line procurement. The  
24 State Technology Office may contract for equipment and  
25 services necessary to develop and implement on-line  
26 procurement.

27           (b) The State Technology Office may adopt rules,  
28 pursuant to ss. 120.536(1) and 120.54, to implement the  
29 program for on-line procurement. The rules shall include, but  
30 are not limited to, rules prescribing:

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1           1. The requirements and qualification criteria for  
2 prequalifying bidders.

3           2. The procedures for conducting on-line procurement.

4           3. The criteria for eligible commodities and  
5 contractual services.

6           4. The procedures for providing access to on-line  
7 procurement.

8           Section 4. This act shall take effect upon becoming a  
9 law.

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11                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12                           COMMITTEE SUBSTITUTE FOR  
13                           CS/SB 1492

14 The Committee Substitute gives the department specific  
15 rule-making authority on the development of criteria and  
16 procedures for on-line, electronic procurement. It also  
17 deletes the use of the term "auctions" to describe this same  
18 procedure to avoid conflicting with ch. 468, F.S., on the  
19 regulation of auctioneers.  
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