

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

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

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

23 287.012 Definitions.--The following definitions shall
24 apply in this part:

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

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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 not be limited to:

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1 1. Determining the requirements and qualification
2 criteria for prequalifying bidders.

3 2. Establishing the procedures for conducting on-line
4 procurement.

5 3. Establishing the criteria for eligible commodities
6 and contractual services.

7 4. Establishing the procedures for providing access to
8 on-line procurement.

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