

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Hart offered the following:

13 **Substitute Amendment for Amendment (572773) (with title**
14 **amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Subsections (20), (21) and (22) of section
19 287.012, Florida Statutes are created to read:

20 287.012 Definitions.--The following definitions shall
21 apply in this part:

22 (20) "Invitation to negotiate" means a written
23 solicitation that calls for responses to select one or more
24 persons or business entities with which to commence
25 negotiations fo the procurement of commodities or contractual
26 services.

27 (21) "Request for a quote" means a solicitation that
28 calls for pricing information for purposes of competitively
29 selecting and procuring commodities and contractual services
30 from qualified or registered vendors.

31 (22) "Information Technology" means equipment,

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1 hardware, software, firmware, programs, systems, networks,
2 infrastructure, media, and related material used to
3 automatically, electronically, and wirelessly collect,
4 receive, access, transmit, display, store, record, retrieve,
5 analyze, evaluate, process, classify, manipulate, manage,
6 assimilate, control, communicate, exchange, convert, converge,
7 interface, switch, or disseminate information of any kind or
8 form.

9 Section 2. Paragraph (d) of subsection (2) is created;
10 Paragraphs (b) and (c) of subsection (4), paragraphs (a) and
11 (b) of subsection (5), paragraph (a) of subsection (16) and
12 subsection (17) of section 287.042, Florida Statutes are
13 amended and a new paragraph (f) of subsection (4) is created
14 to read:

15 287.042 Powers, duties, and functions.--The department
16 shall have the following powers, duties, and functions:

17 (2)(d) The terms, conditions, and specifications of a
18 request for proposal, request for quote, invitation to bid, or
19 invitation to negotiate, including any provisions governing
20 the methods for ranking proposals, awarding contracts,
21 reserving rights of further negotiation, or the modification
22 of amendment of any contract, are subject to challenge only by
23 filing a protest within 72 hours after the notice of the
24 terms, conditions, or specifications as provided in s.
25 120.57(3)(b).

26 (4)(b) Development of procedures for the releasing of
27 requests for proposals, requests for quotes, invitations to
28 bid, invitations to negotiate, and other competitive
29 acquisitions which procedures shall include, but are not
30 limited to, notice by publication in the Florida
31 Administrative Weekly, ~~on Government Services Direct~~, or by

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1 mail at least 10 days before the date set for submittal of
2 proposals or bids. The Office of Supplier Diversity may
3 consult with agencies regarding the development of bid
4 distribution procedures to ensure that maximum distribution is
5 afforded to certified minority business enterprises as defined
6 in s. 288.703.

7 (c) Development of procedures for the receipt and
8 opening of bids, responses, quotes, or proposals by an agency.
9 Such procedures shall provide the Office of Supplier Diversity
10 an opportunity to monitor and ensure that the contract award
11 is consistent with the requirements of s. 287.09451 ~~original~~
12 ~~request for proposal or invitation to bid, in accordance with~~
13 ~~s. 287.0945(6), and subject to the review of bid responses~~
14 ~~within standard timelines.~~

15 (f) Development of procedures to be used by an agency
16 for issuing invitations to bid, invitations to negotiate,
17 requests for proposal, requests for quote, or other
18 competitive procurement processes.

19 (5)(a) To prescribe the methods of securing
20 competitive sealed bids, responses, quotes, and
21 proposals. Such methods may include, but are not limited to,
22 procedures for identifying vendors; setting qualifications;
23 evaluating responses, bids, and proposals; ranking respondents
24 and proposers; selecting invitees and proposers; and
25 conducting negotiations, or negotiating and awarding commodity
26 and contractual services contracts, unless otherwise provided
27 by law.

28 (5)(b) To prescribe, in consultation with the State
29 Technology Office ~~by September 1, 1995,~~ procedures for
30 procuring information technology and information technology
31 consultant services which provide for public announcement and

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1 qualification, competitive selection, competitive negotiation,
2 contract award, and prohibition against contingent fees. Such
3 procedures shall be limited to information technology
4 consultant contracts for which the total project costs, or
5 planning or study activities, are estimated to exceed the
6 threshold amount provided for in s. 287.017, for CATEGORY TWO.

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 or,
10 information technology ~~resources, or services~~ that can be used
11 by multiple agencies. However, the department shall consult
12 with the State Technology Office on joint agreements that
13 involve the purchase of information technology ~~resources~~.
14 Agencies entering into joint purchasing agreements with the
15 department or the State Technology Office shall authorize the
16 department or the State Technology Office to contract for such
17 purchases on their behalf.

18 (17)(a) To evaluate contracts let by the Federal
19 Government, another state, or a political subdivision for the
20 provision of commodities and contract services, and, when it
21 is determined to be cost-effective and in the best interest of
22 the state, to enter into a written agreement authorizing a
23 state agency to make purchases under a contract approved by
24 the department and let by the Federal Government, another
25 state, or a political subdivision.

26 (b) For contracts pertaining to the provision of
27 information technology, the State Technology Office, in
28 consultation with the department, shall assess the
29 technological needs of a particular agency, evaluate the
30 contracts, and determine whether to enter into a written
31 agreement with the letting federal, state, or political

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1 subdivision body to provide information technology for a
2 particular agency.

3 Section 3. A new subsection (3) is created and
4 subsequent subsections are renumbered, Section (22) is amended
5 and subsection (23) of section 287.057, Florida Statutes is
6 created:

7 287.057 Procurement of commodities or contractual
8 services.--

9 (3) If an agency determines that the use of an
10 invitation to bid or a request for a proposal is not
11 practical, commodities or contractual services may be procured
12 by an invitation to negotiate or provided by a request for a
13 quote.

14 (22)(a) The State Technology Office ~~of the department~~
15 shall develop a program for on-line procurement of commodities
16 and contractual services. To enable the state to promote open
17 competition and to leverage its buying power, executive state
18 agencies shall participate in the on-line procurement program,
19 and other agencies may participate in the program. Only
20 bidders prequalified as meeting mandatory requirements and
21 qualifications criteria shall be permitted to participate in
22 on-line procurement. The State Technology Office may contract
23 for equipment and services necessary to develop and implement
24 on-line procurement.

25 (b) The State Technology Office, in consultation with
26 the department, shall ~~may~~ adopt rules, pursuant to ss.

27 120.536(1) and 120.54, to implement the program for on-line
28 procurement. The rules shall include, but not be limited to:

29 1. Determining the requirements and qualification
30 criteria for prequalifying bidders.

31 2. Establishing the procedures for conducting on-line

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1 procurement.

2 3. Establishing the criteria for eligible commodities
3 and contractual services.

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

6 5. Determining the criteria warranting any exceptions
7 to participation in the on-line procurement program.

8 (c) The Department of Management Services and the
9 State Technology Office may collect fees for the use of the
10 online procurement systems. The fees may be imposed on an
11 individual transaction basis or as a fixed percentage of the
12 cost savings generated. At a minimum, the fees must be set in
13 an amount sufficient to cover the projected costs of such
14 services, including administrative and project service costs
15 in accordance with the policies of the Department of
16 Management Services and the State Technology Office. For the
17 purposes of compensating the provider, the department may
18 authorize the provider to collect and retain a portion of the
19 fees. The providers may withhold the portion retained from
20 the amount of fees to be remitted to the department. The
21 department may negotiate the retainage as a percentage of such
22 fees charged to users, as a flat amount, or as any other
23 method the department deems feasible. All fees and surcharges
24 collected under this paragraph shall be deposited in the
25 Grants and Donation Trust Fund as provided by law.

26 (23)(a) The State Technology Office shall establish,
27 in consultation with the department, state strategic
28 information technology alliances for the acquisition and use
29 of information technology and related material with
30 prequalified contractors or partners to provide the state with
31 efficient, cost-effective, and advanced information

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1 technology.

2 (b) In consultation with and under contract to the
3 State Technology Office, the state strategic information
4 technology alliances shall design, develop, and deploy
5 projects providing the information technology needed to
6 collect, store, and process the state's data and information,
7 provide connectivity, and integrate and standardize computer
8 networks and information systems of the state.

9 (c) The partners in the state strategic information
10 technology alliances shall be industry leaders with
11 demonstrated experience in the public and private sectors.

12 (d) The State Technology Office, in consultation with
13 the Department of Management Services, shall adopt rules,
14 pursuant to ss. 120.536(1) and 120.54, to implement the state
15 strategic information technology alliances.

16 Section 4. Section 287.0731, Florida Statutes, is
17 amended to read:

18 287.0731 Team for contract negotiations.--Contingent
19 upon funding in the General Appropriations Act, the Department
20 of Management Services, in consultation with the State
21 Technology Office, shall establish a permanent team for
22 contract negotiations including a chief negotiator, to
23 specialize in the procurement of information technology
24 ~~resources.~~

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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 1, line 3, after the semicolon through line 25
30 remove from the title of the bill: all of said lines

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1 and insert in lieu thereof:
2 amending s. 287.012, F.S.; defining "invitation
3 to negotiate", "request for a quote" and
4 "information technology"; amending s. 287.042,
5 F.S.; providing challenge procedure for
6 requests or invitations; adding responses and
7 quotes to category of items to which procedures
8 are developed; tasking Department of Management
9 Services with developing procedures to be used
10 by agencies for issuing invitations and
11 requests; identifying methods for securing
12 bids, responses, Quotes and proposals revising
13 language with respect to the Department of
14 Management Services; providing that the
15 department, in consultation with the State
16 Technology Office, shall prescribe procedures
17 for procuring information technology; directing
18 the office to assess the technological needs of
19 certain agencies; amending s. 287.057, F.S.;
20 providing for the role of the State Technology
21 Office in developing a program for on-line
22 procurement of commodities and contractual
23 services; authorizing the office to collect
24 certain fees; providing for the deposit of such
25 fees; directing the office to establish state
26 strategic information technology alliances for
27 the acquisition and use of information
28 technology; providing for the duties of such
29 alliances; providing for rules; amending 287;
30 providing for agency use of invitations to
31 negotiate; amending s. 287.0731, F.S.;

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1 conforming provisions to changes made by the
2 act;
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