

By the Committee on Information Technology and
Representatives Hart, Mack, Meador, Jennings, Harrell, Green,
Wallace and Fiorentino

1 A bill to be entitled
2 An act relating to procurement of personal
3 property and services; defining the term
4 "information technology"; amending s. 287.042,
5 F.S.; revising language with respect to the
6 Department of Management Services; providing
7 that the department, in consultation with the
8 State Technology Office, shall prescribe
9 procedures for procuring information
10 technology; directing the office to assess the
11 technological needs of certain agencies;
12 amending s. 287.057, F.S.; providing for the
13 role of the State Technology Office in
14 developing a program for on-line procurement of
15 commodities and contractual services;
16 authorizing the office to collect certain fees;
17 providing for the deposit of such fees;
18 directing the office to establish state
19 strategic information technology alliances for
20 the acquisition and use of information
21 technology; providing for the duties of such
22 alliances; providing for rules; amending s.
23 287.0731, F.S.; conforming provisions to
24 changes made by the act; providing a contingent
25 effective date.

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

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29 Section 1. For the purposes of this act, the term
30 "information technology" means equipment, hardware, software,
31 firmware, programs, systems, networks, infrastructure, media,

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

7 Section 2. Paragraph (b) of subsection (5), paragraph
8 (a) of subsection (16), and subsection (17) of section
9 287.042, Florida Statutes, are amended to read:

10 287.042 Powers, duties, and functions.--The department
11 shall have the following powers, duties, and functions:

12 (5)

13 (b) To prescribe, in consultation with the State
14 Technology Office ~~by September 1, 1995~~, procedures for
15 procuring information technology and information technology
16 consultant services which provide for public announcement and
17 qualification, competitive selection, competitive negotiation,
18 contract award, and prohibition against contingent fees. Such
19 procedures shall be limited to information technology
20 consultant contracts for which the total project costs, or
21 planning or study activities, are estimated to exceed the
22 threshold amount provided for in s. 287.017, for CATEGORY TWO.

23 (16)(a) To enter into joint agreements with
24 governmental agencies, as defined in s. 163.3164(10), for the
25 purpose of pooling funds for the purchase of commodities or,
26 information technology ~~resources, or services~~ that can be used
27 by multiple agencies. However, the department shall consult
28 with the State Technology Office on joint agreements that
29 involve the purchase of information technology ~~resources~~.
30 Agencies entering into joint purchasing agreements with the
31 department or the State Technology Office shall authorize the

1 department or the State Technology Office to contract for such
2 purchases on their behalf.

3 (17)(a) To evaluate contracts let by the Federal
4 Government, another state, or a political subdivision for the
5 provision of commodities and contract services, and, when it
6 is determined to be cost-effective and in the best interest of
7 the state, to enter into a written agreement authorizing a
8 state agency to make purchases under a contract approved by
9 the department and let by the Federal Government, another
10 state, or a political subdivision.

11 (b) For contracts pertaining to the provision of
12 information technology, the State Technology Office, in
13 consultation with the department, shall assess the
14 technological needs of a particular agency, evaluate the
15 contracts, and determine whether to enter into a written
16 agreement with the letting federal, state, or political
17 subdivision body to provide information technology for a
18 particular agency.

19 Section 3. Subsection (22) of section 287.057, Florida
20 Statutes, is amended, and subsection (23) is added to said
21 section, to read:

22 287.057 Procurement of commodities or contractual
23 services.--

24 (22)(a) The State Technology Office ~~of the department~~
25 shall develop a program for on-line procurement of commodities
26 and contractual services. To enable the state to promote open
27 competition and to leverage its buying power, executive state
28 agencies shall participate in the on-line procurement program,
29 and other agencies may participate in the program.Only
30 bidders prequalified as meeting mandatory requirements and
31 qualifications criteria shall be permitted to participate in

1 on-line procurement. The State Technology Office may contract
2 for equipment and services necessary to develop and implement
3 on-line procurement.

4 (b) The State Technology Office, in consultation with
5 the department, shall ~~may~~ adopt rules, pursuant to ss.
6 120.536(1) and 120.54, to implement the program for on-line
7 procurement. The rules shall include, but not be limited to:

8 1. Determining the requirements and qualification
9 criteria for prequalifying bidders.

10 2. Establishing the procedures for conducting on-line
11 procurement.

12 3. Establishing the criteria for eligible commodities
13 and contractual services.

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

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

18 (c) The State Technology Office may collect fees for
19 the use of its on-line procurement program. The fees may be
20 imposed on an individual transaction basis or as a fixed
21 percentage of the cost savings generated. At a minimum, the
22 fees shall be determined in an amount sufficient to cover the
23 office's projected costs of such services, including overhead
24 in accordance with the policies of the office. All fees
25 collected pursuant to this paragraph shall be deposited in the
26 Technology Enterprise Operating Trust Fund, if created by law,
27 for disbursement as provided by law.

28 (23)(a) The State Technology Office shall establish,
29 in consultation with the department, state strategic
30 information technology alliances for the acquisition and use
31 of information technology and related material with

1 prequalified contractors or partners to provide the state with
2 efficient, cost-effective, and advanced information
3 technology.

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

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

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

18 Section 4. Section 287.0731, Florida Statutes, is
19 amended to read:

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

27 Section 5. This act shall take effect on the same date
28 that House Bill or similar legislation takes effect, if
29 such legislation is adopted in the same legislative session or
30 on extension thereof and becomes law.

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HOUSE SUMMARY

Provides that the Department of Management Services, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology and directs the office to assess the technological needs of state agencies. Provides for the role of the office in developing a program for on-line procurement of commodities and contractual services and authorizes the office to collect fees for such services. Directs the office to establish state strategic information technology alliances for the acquisition and use of information technology. See bill for details.