

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-1682A-01

1 A bill to be entitled
2 An act relating to state technology resource
3 procurement; amending s. 287.042, F.S.;
4 requiring the State Technology Office to assess
5 technological needs of agencies and to evaluate
6 contracts; amending s. 287.057, F.S.; requiring
7 state agencies to participate in the on-line
8 procurement program; requiring the State
9 Technology Office to determine criteria for
10 exceptions to participation; authorizing the
11 collection of fees for use of the procurement
12 program; authorizing the creation of State
13 Strategic Information Technology Alliances;
14 amending s. 287.0731, F.S.; requiring the
15 Department of Management Services to consult
16 with the State Technology Office in the
17 establishment of a permanent team for contract
18 negotiations; providing an 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. Paragraph (b) of subsection (5), paragraph
23 (a) of subsection (16), and subsection (17) of section
24 287.042, Florida Statutes, are amended to read:

25 287.042 Powers, duties, and functions.--The department
26 shall have the following powers, duties, and functions:

27 (5)

28 (b) To prescribe, in consultation with the State
29 Technology Office ~~by September 1, 1995~~, procedures for
30 procuring information technology as defined in s. 282.0041(7)
31 and information-technology consultant services which provide

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

8 (16)(a) To enter into joint agreements with
9 governmental agencies, as defined in s. 163.3164(10), for the
10 purpose of pooling funds for the purchase of commodities,
11 information technology as defined in s. 282.0041(7) ~~resources~~,
12 or services that can be used by multiple agencies. However,
13 the department shall consult with the State Technology Office
14 on joint agreements that involve the purchase of information
15 technology ~~resources~~. Agencies entering into joint purchasing
16 agreements with the department or the State Technology Office
17 shall authorize the department or the State Technology Office
18 to contract for such purchases on their behalf.

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

27 (b) For contracts pertaining to the provision of
28 information technology as defined in s. 282.0041(7), the State
29 Technology Office, in consultation with the Department of
30 Management Services, shall assess the technological needs of a
31 particular agency, evaluate the contracts, and determine

1 whether to enter into a written agreement with the letting
2 federal, state, or political subdivision body to provide
3 information technology for a particular agency.

4 Section 2. Subsection (22) of section 287.057, Florida
5 Statutes, is amended and subsection (23) is added to that
6 section to read:

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

9 (22)(a) The State Technology Office in consultation
10 with the Department of Management Services ~~of the department~~
11 shall develop a program for on-line procurement of commodities
12 and contractual services. To enable the state to promote open
13 competition and to leverage its buying power, state agencies
14 shall participate in the on-line procurement program. Only
15 bidders prequalified as meeting mandatory requirements and
16 qualifications criteria shall be permitted to participate in
17 on-line procurement. The State Technology Office may contract
18 for equipment and services necessary to develop and implement
19 on-line procurement.

20 (b) The State Technology Office, in consultation with
21 the Department of Management Services, may adopt rules,
22 pursuant to ss. 120.536(1) and 120.54, to implement the
23 program for on-line procurement. The rules may ~~shall~~ include,
24 but need not be limited to:

25 1. Determining the requirements and qualification
26 criteria for prequalifying bidders.

27 2. Establishing the procedures for conducting on-line
28 procurement.

29 3. Establishing the criteria for eligible commodities
30 and contractual services.

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

3 5. Determining the criteria warranting the exceptions
4 to participation in the on-line procurement program.

5 (c) The State Technology Office may collect fees for
6 the use of its on-line procurement program. The fees may be
7 imposed on an individual-transaction basis or as a fixed
8 percentage of the cost savings generated. At a minimum, the
9 fees must be set in an amount sufficient to cover the State
10 Technology Office's projected costs of such services,
11 including overhead in accordance with the policies of the
12 State Technology Office. All fees collected under this
13 paragraph shall be deposited in the Technology Enterprise
14 Operating Trust Fund for disbursement as provided by law.

15 (23)(a) The State Technology Office shall establish,
16 in consultation with the Department of Management Services,
17 state strategic information technology alliances for the
18 acquisition and use of information technology, as defined in
19 s. 282.0041(7), and related material with prequalified
20 contractors or partners to provide the state with efficient,
21 cost-effective, and advanced information technology.

22 (b) In consultation with, and under contract to, the
23 State Technology Office, the state strategic information
24 technology alliances shall design, develop, and deploy
25 projects that provide the information technology needed to
26 collect, store and process the state's data and information,
27 provide connectivity, and integrate and standardize computer
28 networks and information systems of the state.

29 (c) The partners in the state strategic information
30 technology alliances must be industry leaders possessing
31 demonstrated experience in the public and private sectors.

1 (d) The State Technology Office, in consultation with
2 the Department of Management Services, may adopt rules,
3 pursuant to ss. 120.536(1) and 120.54, to implement the state
4 strategic information technology alliances.

5 Section 3. Section 287.0731, Florida Statutes, is
6 amended to read:

7 287.0731 Team for contract negotiations.--Contingent
8 upon funding in the General Appropriations Act, the Department
9 of Management Services, in consultation with the State
10 Technology Office, shall establish a permanent team for
11 contract negotiations including a chief negotiator, to
12 specialize in the procurement of information technology as
13 defined in s. 282.0041(7)resources.

14 Section 4. This act shall take effect July 1, 2001.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 876

19 Requires the Department of Management Services to consult with
20 the State Technology Office when setting information
21 technology procurement policies and procedures or negotiating
22 information technology contracts.

23 Authorizes the State Technology Office to collect fees for use
24 of the on-line procurement system.

25 Permits the State Technology Office to create strategic
26 information technology alliances for acquisition and use of
27 information technology.
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