

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

302-2561-04

1 A bill to be entitled
2 An act relating to governmental procurement;
3 amending s. 255.0515, F.S.; requiring
4 solicitations for specified state and political
5 subdivision construction projects to require a
6 listing of subcontractors; providing that
7 section applies to proposals; amending s.
8 255.0525, F.S.; providing for the electronic
9 advertisement of state and political
10 subdivision construction project solicitations;
11 amending s. 283.425, F.S.; revising limitation
12 on liquidated damages for defective printing;
13 amending s. 287.012, F.S.; revising
14 definitions; amending s. 287.025, F.S.;
15 deleting certain items for which a primary
16 contract of insurance is prohibited; amending
17 s. 287.042, F.S.; revising the powers and
18 duties of the Department of Management Services
19 relating to the purchase of commodities and
20 contractual services for the state; revising
21 listing requirements for products offered by
22 corporation operating the correctional industry
23 program and a nonprofit agency for persons with
24 disabilities; authorizing department to approve
25 purchases from contracts let by political
26 subdivisions in any state; repealing s.
27 287.045(11), F.S.; deleting a requirement that
28 agencies report on expenditures and use of
29 recycled materials; amending s. 287.056, F.S.;
30 authorizing the department to adopt rules that
31 exempt agencies from purchasing agreements and

1 state term contracts; repealing authority for
2 agencies to choose not to use state term
3 contracts that contain a surcharge; creating s.
4 287.0565, F.S.; authorizing the department to
5 adopt rules for small procurements; amending s.
6 287.057, F.S.; revising request for proposal
7 and invitation to negotiate requirements;
8 requiring single source purchases to be posted
9 in a form prescribed by the department;
10 revising exceptions to competitive solicitation
11 requirements; providing that services or
12 commodities provided by certain agencies,
13 colleges, and universities are not subject to
14 competitive solicitation requirements;
15 providing that certain services or commodities
16 provided to the Department of State for voter
17 education activities are not subject to
18 competitive solicitation requirements;
19 requiring certified negotiators for specified
20 procurements; deleting a requirement that an
21 agency report when it receives fewer than two
22 bids, proposals, or replies; requiring the
23 department to adopt rules for certification of
24 negotiators; providing that certain activities
25 will render a person ineligible for
26 subcontracts; deleting a requirement that
27 vendors be prequalified to use the online
28 procurement system; deleting a requirement that
29 the department adopt rules establishing online
30 procurement criteria for eligible commodities
31 and contractual services; revising fees that

1 may be charged for the online procurement
2 system; revising collection and deposit methods
3 for online procurement fees; creating s.
4 287.0571, F.S.; authorizing agencies to conduct
5 reverse auctions; specifying requirements for
6 reverse auctions; requiring the department to
7 adopt rules for reverse auctions; creating s.
8 287.0575, F.S.; authorizing agencies to require
9 certified cost or pricing data in specified
10 procurements; providing procedures for agencies
11 to follow when requiring cost or pricing data;
12 providing timelines for submission of cost or
13 pricing data; requiring a truth-in-negotiation
14 certificate to accompany cost or pricing data
15 submissions; permitting agencies to audit
16 vendor books and records related to cost or
17 pricing data; permitting agencies to adjust
18 prices based on inaccurate, incomplete, or
19 outdated cost or pricing data; defining the
20 term "cost or pricing data"; creating s.
21 287.0815, F.S.; defining terms; requiring the
22 department to produce a report regarding agency
23 outsourcing contracts and subcontracts;
24 requiring publication of the report on the
25 department's website; repealing s. 287.1345,
26 F.S., relating to surcharges on users of state
27 term contracts; amending s. 287.16, F.S.;
28 revising the duties, powers, and
29 responsibilities of the department relating to
30 state-owned or state-leased aircraft,
31 watercraft, and motor vehicles; amending s.

1 287.161, F.S.; providing that state-leased
2 aircraft are included in the executive aircraft
3 pool; deleting the provision that state
4 employees traveling on a space available basis
5 may not be charged more than the vehicle
6 mileage allowance; providing legislative intent
7 that executive aircraft pool be operated on a
8 full cost-recovery basis; amending s. 287.17,
9 F.S.; requiring annual agency reports to
10 department on motor vehicle utilization;
11 creating s. 408.919; requiring the Agency for
12 Health Care Administration in partnership with
13 other state agencies to contract for an
14 Integrated Recipient Data Management Pilot
15 Project; providing requirements; amending s.
16 945.025, F.S.; requiring specified contracts
17 executed by the Department of Corrections to be
18 competitively solicited; amending s. 946.515,
19 F.S.; conforming provisions to changes made by
20 the act; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Section 255.0515, Florida Statutes, is
25 amended to read:

26 255.0515 Bids or proposals for public ~~state~~ contracts;
27 substitution of subcontractors.--Solicitations for competitive
28 bids or proposals advertised by the state or a county,
29 municipality, or other political subdivision ~~With respect to~~
30 ~~state contracts let pursuant to competitive bidding, whether~~
31 under chapter 1013, relating to educational facilities, or

1 this chapter, relating to public buildings, shall require bids
2 or proposals to list the names of all subcontractors who will
3 be engaged by the contractor.The contractor shall not remove
4 or replace subcontractors listed in the bid or proposal
5 subsequent to the lists being made public at the bid or
6 proposal opening, except upon good cause shown.

7 Section 2. Subsections (1) and (2) of section
8 255.0525, Florida Statutes, are amended to read:

9 255.0525 Advertising for competitive bids or
10 proposals.--

11 (1) The solicitation of competitive bids or proposals
12 for any state construction project that is projected to cost
13 more than \$200,000 shall be publicly advertised once in the
14 Florida Administrative Weekly at least 21 days prior to the
15 established bid opening. For state construction projects that
16 are projected to cost more than \$500,000, the advertisement
17 shall be published in the Florida Administrative Weekly at
18 least 30 days prior to the established bid opening and at
19 least once in a newspaper of general circulation in the county
20 where the project is located at least 30 days prior to the
21 established bid opening and at least 5 days prior to any
22 scheduled prebid conference. In addition to the advertisement
23 methods required by this subsection, solicitations may also be
24 advertised by electronic posting on a centralized website
25 designated by the Department of Management Services by rule.
26 The bids or proposals shall be received and opened publicly at
27 the location, date, and time established in the bid or
28 proposal advertisement. In cases of emergency, the Secretary
29 of Management Services may alter the procedures required in
30 this section in any manner that is reasonable under the
31 emergency circumstances.

1 (2) The solicitation of competitive bids or proposals
2 for any county, municipality, or other political subdivision
3 construction project that is projected to cost more than
4 \$200,000 shall be publicly advertised at least once in a
5 newspaper of general circulation in the county where the
6 project is located at least 21 days prior to the established
7 bid opening and at least 5 days prior to any scheduled prebid
8 conference. The solicitation of competitive bids or proposals
9 for any county, municipality, or other political subdivision
10 construction project that is projected to cost more than
11 \$500,000 shall be publicly advertised at least once in a
12 newspaper of general circulation in the county where the
13 project is located at least 30 days prior to the established
14 bid opening and at least 5 days prior to any scheduled prebid
15 conference. In addition to the advertisement methods required
16 by this subsection, solicitations may also be advertised by
17 electronic posting on an Internet website designated by a
18 county, municipality, or other political subdivision.Bids or
19 proposals shall be received and opened at the location, date,
20 and time established in the bid or proposal advertisement. In
21 cases of emergency, the procedures required in this section
22 may be altered by the local governmental entity in any manner
23 that is reasonable under the emergency circumstances.

24 Section 3. Section 283.425, Florida Statutes, is
25 amended to read:

26 283.425 Acceptance for printing; penalty for defective
27 printing.--No printing may be accepted as in compliance with
28 the contract when the printing is not of the grade of
29 workmanship which is usually employed by professional printers
30 on printing of such class, or when the printing is not of the
31 full quantity or acceptable quality for which it has been

1 contracted. If immediate necessity and lack of time to procure
2 printing elsewhere compel the use of defective printing
3 furnished by a contractor, it shall be accepted without
4 approval, and, as specified in the contract, up to one-half of
5 the contract price thereon shall be deducted as liquidated
6 damages for breach of contract. The agency which contracted
7 for printing shall notify the contractor within a reasonable
8 time after delivery of said printing as to acceptance or
9 nonacceptance, and such reasonable time shall be specified in
10 the contract. The contract shall also provide that a
11 contractor has a reasonable time to correct any defects if
12 delivery is made by a date specified in the contract, unless
13 such a provision is not practicable because of time
14 constraints.

15 Section 4. Subsections (8), (12), and (13) of section
16 287.012, Florida Statutes, are amended, present subsections
17 (27) and (28) of that section are redesignated as subsections
18 (28) and (29), respectively, and a new subsection (27) is
19 added to that section, to read:

20 287.012 Definitions.--As used in this part, the term:

21 (8) "Contractor" means a person who contracts to sell
22 commodities or contractual services to an agency. The term
23 also means a person who enters into an arrangement with an
24 agency, such as an alliance, partnership, or consortium, for
25 the purpose of acquiring commodities or contractual services
26 for or on behalf of an agency.

27 (12) "Eligible user" means any person or entity
28 authorized by the department pursuant to rule to purchase from
29 state term contracts or to use the on-line procurement system.
30 For purposes of state term contracts executed or renewed on or
31 after October 1, 2004, the term shall include, but is not

1 limited to, nursing home facilities, as defined in s. 400.21,
2 which are not-for-profit corporations or which have 50 percent
3 or more Medicaid occupancy, and teaching hospitals, as defined
4 in s. 408.07.

5 (13) "Exceptional purchase" means any purchase of
6 commodities or contractual services excepted by law or rule
7 from the requirements for competitive solicitation, including,
8 but not limited to, purchases from a single source; purchases
9 upon receipt of less than two responsive bids, proposals, or
10 replies; purchases made by an agency, after receiving approval
11 from the department, from a contract procured, pursuant to s.
12 287.057(1), (2), or (3), by another agency; and purchases made
13 without advertisement in the manner required by s.

14 287.042(3)(a)~~s. 287.042(3)(b)~~. The term "exceptional
15 purchase" does not include purchases made pursuant to s.
16 287.057(5)(e) and (f).

17 (27) "Secretary" means the Secretary of Management
18 Services.

19 Section 5. Subsections (1) and (2) of section 287.025,
20 Florida Statutes, are amended to read:

21 287.025 Prohibition against certain insurance coverage
22 on specified state property or insurable subjects.--

23 (1) A ~~No~~ primary contract of insurance may not ~~shall~~
24 be purchased on insurable subjects or property titled in the
25 name of the state or its departments, divisions, bureaus,
26 commissions, or agencies with respect to any of the following
27 properties, coverages, or insurable subjects:

28 (a) Physical damage insurance on motor vehicles which
29 are licensed for use on the public highways of this state. For
30 the purpose of this chapter, the term "physical damage
31 insurance" means coverage against collision, upset or

1 | overturn, fire, theft, combined additional coverage, or
2 | comprehensive;

3 | (b) Physical damage insurance on watercraft and
4 | related equipment;

5 | (c) Loss of rental income on any buildings unless the
6 | buildings are financed in whole or in part by revenue bonds or
7 | certificates the terms of which require such coverage or
8 | unless otherwise authorized by law;

9 | (d) Miscellaneous equipment which is subject to a
10 | transportation feature and subject to ordinarily being covered
11 | by an inland marine insurance floater. The term
12 | "miscellaneous equipment" does not include boilers and
13 | machinery or nuclear equipment;

14 | ~~(e) Museum collections, artifacts, relics, or fine~~
15 | ~~arts;~~

16 | (e)~~(f)~~ Hull coverage on aircraft;

17 | (f)~~(g)~~ Glass insurance;

18 | (g)~~(h)~~ Coverage for loss against vandalism or
19 | malicious mischief unless these perils are included within an
20 | all-risks-of-physical-loss form; and

21 | (h)~~(i)~~ Insurance against loss or damage to livestock
22 | and services of a veterinary for such animals.

23 | (2) Excess insurance may be purchased to cover loss
24 | for physical damage on the above-described properties or risk
25 | if the aggregate exposure at any one location or actual cash
26 | value of any one item exceeds the sum of \$10,000. However, no
27 | excess insurance shall be purchased on any items listed in
28 | paragraphs (1)(c), (f)~~(e)~~, (g), and (h), ~~and (i)~~, regardless
29 | of value or risk.

30 | Section 6. Subsections (1), (2), (3), (4), and (16) of
31 | section 287.042, Florida Statutes, are amended to read:

1 287.042 Powers, duties, and functions.--The department
2 shall have the following powers, duties, and functions:

3 (1)(a) To canvass all sources of supply, establish and
4 maintain a vendor list to be organized by classes of
5 commodities and contractual services, and contract for the
6 purchase, lease, or acquisition, including purchase by
7 installment sales or lease-purchase contracts which may
8 provide for the payment of interest on unpaid portions of the
9 purchase price, of all commodities and contractual services
10 required by any agency under this chapter. Any contract
11 providing for deferred payments and the payment of interest
12 shall be subject to specific rules adopted by the department.

13 (b) ~~To The department may~~ remove from its vendor list
14 any source of supply which fails to fulfill any of its duties
15 specified in a contract with the state. It may reinstate any
16 such source of supply when it is satisfied that further
17 instances of default will not occur.

18 (c) With regard to the corporation operating the
19 correctional industry program provided for in s. 946.502, the
20 department:

21 1. Shall issue commodity numbers for all products of
22 the corporation operating the correctional industry program
23 which meet or exceed department specifications;~~In order to~~
24 ~~promote cost-effective procurement of commodities and~~
25 ~~contractual services, the department or an agency may enter~~
26 ~~into contracts that limit the liability of a vendor consistent~~
27 ~~with s. 672.719.~~

28 ~~(d) The department shall issue commodity numbers for~~
29 ~~all products of the corporation operating the correctional~~
30 ~~industry program which meet or exceed department~~
31 ~~specifications.~~

1 ~~2.(e) The department~~ Shall include the products
2 offered by the corporation on any listing prepared by the
3 department which lists state term contracts executed by the
4 department. The products offered by the corporation and listed
5 by the department may be listed on a state term contract or
6 listed as an exception to the state term contract as
7 determined by the department.The products or services shall
8 be placed on such list in a category based upon specification
9 criteria developed through a joint effort of the department
10 and the corporation and approved by the department; ~~and-~~

11 ~~3.(f) May allow~~ the corporation to ~~may~~ submit products
12 and services to the department for testing, analysis, and
13 review relating to the quality and cost comparability. If,
14 after review and testing, the department approves of the
15 products and services, the department shall give written
16 notice thereof to the corporation. The corporation shall pay a
17 reasonable fee charged for testing its products ~~by the~~
18 ~~Department of Agriculture and Consumer Services.~~

19 ~~(d)(g)~~ The department shall include products and
20 services that are offered by a qualified nonprofit agency for
21 persons with disabilities ~~the blind or for the other severely~~
22 ~~handicapped~~ organized under ~~pursuant to~~ chapter 413 and that
23 have been determined to be suitable for purchase pursuant to
24 s. 413.035 on any department listing of state term contracts.
25 The products and services shall be placed on such list in a
26 category based upon specification criteria developed by the
27 department in consultation with the qualified nonprofit
28 agency. The products offered by a qualified nonprofit agency
29 for persons with disabilities and listed by the department may
30 be listed on a state term contract or listed as an exception
31 to the state term contract as determined by the department.

1 ~~(h) The department may collect fees for the use of its~~
2 ~~electronic information services. The fees may be imposed on an~~
3 ~~individual transaction basis or as a fixed subscription for a~~
4 ~~designated period of time. At a minimum, the fees shall be~~
5 ~~determined in an amount sufficient to cover the department's~~
6 ~~projected costs of such services, including overhead in~~
7 ~~accordance with the policies of the Department of Management~~
8 ~~Services for computing its administrative assessment. All~~
9 ~~fees collected pursuant to this paragraph shall be deposited~~
10 ~~in the Grants and Donations Trust Fund for disbursement as~~
11 ~~provided by law.~~

12 (2)(a) To establish purchasing agreements and procure
13 state term contracts for commodities and contractual services,
14 pursuant to s. 287.057, under which state agencies shall, and
15 eligible users may, make purchases pursuant to s. 287.056. The
16 department may restrict purchases from some term contracts to
17 state agencies only for those term contracts where the
18 inclusion of other governmental entities will have an adverse
19 effect on competition or to those federal facilities located
20 in this state. In such planning or purchasing the Office of
21 Supplier Diversity may monitor to ensure that opportunities
22 are afforded for contracting with minority business
23 enterprises. The department, for state term contracts, and all
24 agencies, for multiyear contractual services or term
25 contracts, shall explore reasonable and economical means to
26 utilize certified minority business enterprises. Purchases by
27 any county, municipality, private nonprofit community
28 transportation coordinator designated pursuant to chapter 427,
29 while conducting business related solely to the Commission for
30 the Transportation Disadvantaged, or other local public agency
31 under the provisions in the state purchasing contracts, and

1 purchases, from the corporation operating the correctional
2 work programs, of products or services that are subject to
3 subparagraph (c)3.~~paragraph (1)(f)~~, are exempt from the
4 competitive solicitation requirements otherwise applying to
5 their purchases.

6 (b) As an alternative to any provision in s.
7 120.57(3)(c), the department may proceed with the competitive
8 solicitation or contract award process of a term contract when
9 the secretary of the department or his or her designee sets
10 forth in writing particular facts and circumstances which
11 demonstrate that the delay incident to staying the
12 solicitation or contract award process would be detrimental to
13 the interests of the state. After the award of a contract
14 resulting from a competitive solicitation in which a timely
15 protest was received and in which the state did not prevail,
16 the contract may be canceled and reawarded.

17 (c) Any person who files an action protesting a
18 decision or intended decision pertaining to contracts
19 administered by the department, a water management district,
20 or an agency pursuant to s. 120.57(3)(b) shall post with the
21 department, the water management district, or the agency at
22 the time of filing the formal written protest a bond payable
23 to the department, the water management district, or agency in
24 an amount equal to 1 percent of the estimated contract amount.
25 For protests of decisions or intended decisions pertaining to
26 exceptional purchases, the bond shall be in an amount equal to
27 1 percent of the estimated contract amount for the exceptional
28 purchase. The estimated contract amount shall be based upon
29 the contract price submitted by the protestor or, if no
30 contract price was submitted, the department, water management
31 district, or agency shall estimate the contract amount based

1 on factors including, but not limited to, the price of
2 previous or existing contracts for similar commodities or
3 contractual services, the amount appropriated by the
4 Legislature for the contract, or the fair market value of
5 similar commodities or contractual services. The agency shall
6 provide the estimated contract amount to the vendor within 72
7 hours, excluding Saturdays, Sundays, and state holidays, after
8 the filing of the notice of protest by the vendor. The
9 estimated contract amount is not subject to protest pursuant
10 to s. 120.57(3). The bond shall be conditioned upon the
11 payment of all costs and charges that are adjudged against the
12 protestor in the administrative hearing in which the action is
13 brought and in any subsequent appellate court proceeding. In
14 lieu of a bond, the department, the water management district,
15 or agency may, in either case, accept a cashier's check,
16 official bank check, or money order in the amount of the bond.
17 If, after completion of the administrative hearing process and
18 any appellate court proceedings, the department, water
19 management district, or agency prevails, it shall recover all
20 costs and charges which shall be included in the final order
21 or judgment, excluding attorney's fees. This section shall not
22 apply to protests filed by the Office of Supplier Diversity.
23 Upon payment of such costs and charges by the protestor, the
24 bond, cashier's check, official bank check, or money order
25 shall be returned to the protestor. If, after the completion
26 of the administrative hearing process and any appellate court
27 proceedings, the protestor prevails, the protestor shall
28 recover from the department, water management district, or
29 agency all costs and charges which shall be included in the
30 final order or judgment, excluding attorney's fees.

31

1 (3) To establish a system of coordinated, uniform
2 procurement policies, procedures, and practices to be used by
3 agencies in acquiring commodities and contractual services,
4 which shall include, but not be limited to:

5 ~~(a) Development of a list of interested vendors to be~~
6 ~~maintained by classes of commodities and contractual services.~~
7 ~~This list shall not be used to prequalify vendors or to~~
8 ~~exclude any interested vendor from bidding.~~

9 (a)~~(b)~~1. Development of procedures for advertising
10 solicitations. These procedures must provide for electronic
11 posting of solicitations for at least 10 days before the date
12 set for receipt of bids, proposals, or replies, unless the
13 department or other agency determines in writing that a
14 shorter period of time is necessary to avoid harming the
15 interests of the state. The Office of Supplier Diversity may
16 consult with the department regarding the development of
17 solicitation distribution procedures to ensure that maximum
18 distribution is afforded to certified minority business
19 enterprises as defined in s. 288.703.

20 2. Development of procedures for electronic posting.
21 The department shall designate a centralized website on the
22 Internet for the department and other agencies to
23 electronically post solicitations, decisions or intended
24 decisions, and other matters relating to procurement. ~~From~~
25 ~~July 1, 2002, until July 1, 2003, the department shall publish~~
26 ~~a notice in each edition of the Florida Administrative Weekly~~
27 ~~which indicates the specific URL or Internet address for the~~
28 ~~centralized website.~~

29 (b)~~(c)~~ Development of procedures for the receipt and
30 opening of bids, proposals, or replies by an agency. Such
31 procedures shall provide the Office of Supplier Diversity an

1 opportunity to monitor and ensure that the contract award is
2 consistent with the requirements of s. 287.09451.

3 (c)~~(d)~~ Development of procedures to be used by an
4 agency in deciding to contract, including, but not limited to,
5 identifying and assessing in writing project needs and
6 requirements, availability of agency employees, budgetary
7 constraints or availability, facility equipment availability,
8 current and projected agency workload capabilities, and the
9 ability of any other state agency to perform the services.

10 (d)~~(e)~~ Development of procedures to be used by an
11 agency in maintaining a contract file for each contract which
12 shall include, but not be limited to, all pertinent
13 information relating to the contract during the preparatory
14 stages; a copy of the solicitation; documentation relating to
15 the solicitation process; opening of bids, proposals, or
16 replies; evaluation and tabulation of bids, proposals, or
17 replies; and determination and notice of award of contract.

18 (e)~~(f)~~ Development of procedures to be used by an
19 agency for issuing solicitations that include requirements to
20 describe commodities, services, scope of work, and
21 deliverables in a manner that promotes competition.

22 (f)~~(g)~~ Development of procedures to be used by an
23 agency when issuing requests for information and requests for
24 quotes.

25 (4)(a) To prescribe the methods of securing responses
26 to competitive solicitations ~~sealed bids, proposals, and~~
27 ~~replies~~. Such methods may include, but are not limited to,
28 procedures for identifying vendors; setting qualifications;
29 conducting conferences or written question and answer periods
30 for purposes of responding to vendor questions; evaluating

31

1 bids, proposals, and replies; ranking and selecting vendors;
2 and conducting negotiations.

3 (b) To prescribe, in consultation with the State
4 Technology Office, procedures for procuring information
5 technology and information technology consultant services
6 which provide for public announcement and qualification,
7 competitive solicitations, contract award, and prohibition
8 against contingent fees. Such procedures shall be limited to
9 information technology consultant contracts for which the
10 total project costs, or planning or study activities, are
11 estimated to exceed the threshold amount provided for in s.
12 287.017, for CATEGORY TWO.

13

14 In order to promote cost-effective procurement of commodities
15 and contractual services, the department or an agency may
16 enter into a contract consistent with s. 672.719 which limits
17 the liability of a vendor.

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

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

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

4 Section 7. Subsection (11) of section 287.045, Florida
5 Statutes, is repealed.

6 Section 8. Section 287.056, Florida Statutes, is
7 amended to read:

8 287.056 Purchases from purchasing agreements and state
9 term contracts.--

10 (1) Agencies shall, and eligible users may, purchase
11 commodities and contractual services from purchasing
12 agreements established and state term contracts procured,
13 under pursuant to s. 287.057, by the department, unless
14 otherwise exempted by rule.

15 ~~(2) Agencies may have the option to purchase~~
16 ~~commodities or contractual services from state term contracts~~
17 ~~procured, pursuant to s. 287.057, by the department which~~
18 ~~contain a user surcharge pursuant to s. 287.1345 as determined~~
19 ~~by the department.~~

20 (2)(3) Agencies and eligible users may use a request
21 for quote to obtain written pricing or services information
22 from a state term contract vendor for commodities or
23 contractual services available on state term contract from
24 that vendor. The purpose of a request for quote is to
25 determine whether a price, term, or condition more favorable
26 to the agency or eligible user than that provided in the state
27 term contract is available. Use of a request for quote does
28 not constitute a decision or intended decision that is subject
29 to protest under s. 120.57(3).

30 Section 9. Section 287.0565, Florida Statutes, is
31 created to read:

1 287.0565 Small procurement procedures.--In order to
2 obtain the best value for the state, the department shall
3 adopt rules, pursuant to ss. 120.536(1) and 120.54, which
4 prescribe methods for the procurement of commodities and
5 contractual services that do not cost in excess of the
6 threshold amount provided in s. 287.017 for CATEGORY TWO.

7 Section 10. Subsections (2), (3), (5), (6), (17),
8 (18), (22), (23), and (24) of section 287.057, Florida
9 Statutes, are amended to read:

10 287.057 Procurement of commodities or contractual
11 services.--

12 (2)(a) If an agency determines in writing that the use
13 of an invitation to bid is not likely to result in the best
14 value practicable, commodities or contractual services shall
15 be procured by competitive sealed proposals. A request for
16 proposals shall be made available simultaneously to all
17 vendors, and must include a statement of the commodities or
18 contractual services sought; the time and date for the receipt
19 of proposals and of the public opening; and all contractual
20 terms and conditions applicable to the procurement, including
21 the criteria, which shall include, but need not be limited to,
22 price, to be used in determining acceptability of the
23 proposal. The relative importance of price and other
24 evaluation criteria shall be indicated. If the agency
25 contemplates renewal of the commodities or contractual
26 services contract, that fact must be stated in the request for
27 proposals. The proposal shall include the price for each year
28 for which the contract may be renewed. Evaluation of
29 proposals shall include consideration of the total cost for
30 each year as submitted by the vendor.

31

1 (b) The contract shall be awarded to the responsible
2 and responsive vendor whose proposal is determined in writing
3 to result in the best value ~~be the most advantageous~~ to the
4 state, taking into consideration the price and the other
5 criteria set forth in the request for proposals. The contract
6 file shall contain documentation supporting the basis on which
7 the award is made.

8 (3)(a) If the agency determines in writing that the
9 use of an invitation to bid or a request for proposals is ~~will~~
10 not likely to result in the best value to the state, the
11 agency may procure commodities and contractual services by
12 competitive sealed replies. The agency's written determination
13 must specify reasons that explain why negotiation may be
14 necessary in order for the state to achieve the best value and
15 must be approved in writing by the agency head or his or her
16 designee prior to the advertisement of an invitation to
17 negotiate. An invitation to negotiate shall be made available
18 to all vendors simultaneously and must include a statement of
19 the commodities or contractual services sought; the time and
20 date for the receipt of replies and of the public opening; and
21 all terms and conditions applicable to the procurement,
22 including the criteria to be used in determining the
23 acceptability of the reply. If the agency contemplates renewal
24 of the contract, that fact must be stated in the invitation to
25 negotiate. The reply shall include the price for each year for
26 which the contract may be renewed.

27 (b) The agency shall evaluate and rank responsive
28 replies against all evaluation criteria set forth in the
29 invitation to negotiate and shall select, based on the
30 ranking, one or more vendors with which to commence
31 negotiations. After negotiations are conducted, the agency

1 shall award the contract to the responsible and responsive
2 vendor that the agency determines will provide the best value
3 to the state. The contract file must contain a short plain
4 statement that explains the basis for vendor selection and
5 that sets forth the vendor's deliverables and price, pursuant
6 to the contract, with an explanation of how these deliverables
7 and price provide the best value to the state.

8 (5) When the purchase price of commodities or
9 contractual services exceeds the threshold amount provided in
10 s. 287.017 for CATEGORY TWO, ~~no~~ purchase of commodities or
11 contractual services may be made without ~~receiving~~ competitive
12 solicitation if ~~sealed bids, competitive sealed proposals, or~~
13 ~~competitive sealed replies unless:~~

14 (a) The agency head determines in writing that an
15 immediate danger to the public health, safety, or welfare or
16 other substantial loss to the state requires emergency action.
17 After the agency head makes such a written determination, the
18 agency may proceed with the procurement of commodities or
19 contractual services necessitated by the immediate danger,
20 without receiving competitive sealed bids, competitive sealed
21 proposals, or competitive sealed replies. However, such
22 emergency procurement shall be made by obtaining pricing
23 information from at least two prospective vendors, which must
24 be retained in the contract file, unless the agency determines
25 in writing that the time required to obtain pricing
26 information will increase the immediate danger to the public
27 health, safety, or welfare or other substantial loss to the
28 state. The agency shall furnish copies of all written
29 determinations certified under oath and any other documents
30 relating to the emergency action to the department. A copy of
31 the statement shall be furnished to the Chief Financial

1 Officer with the voucher authorizing payment. The individual
2 purchase of personal clothing, shelter, or supplies which are
3 needed on an emergency basis to avoid institutionalization or
4 placement in a more restrictive setting is an emergency for
5 the purposes of this paragraph, and the filing with the
6 department of such statement is not required in such
7 circumstances. In the case of the emergency purchase of
8 insurance, the period of coverage of such insurance shall not
9 exceed a period of 30 days, and all such emergency purchases
10 shall be reported to the department.

11 (b) The purchase is made by an agency from a state
12 term contract procured, pursuant to this section, by the
13 department or by an agency, after receiving approval from the
14 department, from a contract procured, pursuant to subsection
15 (1), subsection (2), or subsection (3), by another agency.

16 (c) The commodities or contractual services are
17 available only from a single source ~~may be excepted from the~~
18 ~~competitive-solicitation requirements~~. When an agency believes
19 that commodities or contractual services are available only
20 from a single source, the agency shall electronically post a
21 description in a form prescribed by the department of the
22 commodities or contractual services sought for a period of at
23 least 7 business days. The description must include a request
24 that prospective vendors provide information regarding their
25 ability to supply the commodities or contractual services
26 described. If it is determined in writing by the agency, after
27 reviewing any information received from prospective vendors,
28 that the commodities or contractual services are available
29 only from a single source, the agency shall:

30 1. Provide notice in a form prescribed by the
31 department of its intended decision to enter a single-source

1 purchase contract in the manner specified in s. 120.57(3), if
2 the amount of the contract does not exceed the threshold
3 amount provided in s. 287.017 for CATEGORY FOUR.

4 2. Request approval from the department for the
5 single-source purchase, if the amount of the contract exceeds
6 the threshold amount provided in s. 287.017 for CATEGORY FOUR.
7 The agency shall initiate its request for approval in a form
8 prescribed by the department, which request may be
9 electronically transmitted. The failure of the department to
10 approve or disapprove the agency's request for approval within
11 21 days after receiving such request shall constitute prior
12 approval of the department. If the department approves the
13 agency's request, the agency shall provide notice of its
14 intended decision to enter a single-source contract in the
15 manner specified in s. 120.57(3).

16 (d) The secretary or his or her designee finds ~~when it~~
17 ~~to be is~~ in the best interest of the state, he or she ~~the~~
18 ~~secretary of the department or his or her designee~~ may
19 authorize the Support Program to purchase insurance by
20 negotiation, but such purchase shall be made only under
21 conditions most favorable to the public interest.

22 (e) The purchase is of prescriptive assistive devices
23 for the purpose of medical, developmental, or vocational
24 rehabilitation of clients ~~are excepted from~~
25 ~~competitive-solicitation requirements~~ and the purchase is made
26 ~~shall be procured~~ pursuant to an established fee schedule or
27 by any other method which ensures the best price for the
28 state, taking into consideration the needs of the client.
29 Prescriptive assistive devices include, but are not limited
30 to, prosthetics, orthotics, and wheelchairs. For purchases
31 made pursuant to this paragraph, state agencies shall annually

1 file with the department a description of the procurements
2 ~~purchases~~ and methods of procurement.

3 (f) The purchase is of the following contractual
4 services and commodities ~~are not subject to the~~
5 ~~competitive-solicitation requirements of this section:~~

- 6 1. Artistic services.
- 7 2. Academic program reviews.
- 8 3. Lectures by individuals.
- 9 4. Auditing services.
- 10 5. Legal services, including attorney, paralegal,
11 expert witness, appraisal, or mediator services.
- 12 6. Health services involving examination, diagnosis,
13 treatment, prevention, medical consultation, or
14 administration.

15 7. Services provided to persons with ~~mental or~~
16 ~~physical~~ disabilities by not-for-profit corporations which
17 ~~have obtained exemptions under the provisions of s. 501(c)(3)~~
18 ~~of the United States Internal Revenue Code or when such~~
19 ~~services are governed by the provisions of Office of~~
20 ~~Management and Budget Circular A-122. However, in acquiring~~
21 ~~such services, the agency shall consider the ability of the~~
22 ~~vendor, past performance, willingness to meet time~~
23 ~~requirements, and price.~~

24 8. Medicaid services delivered to an eligible Medicaid
25 recipient by a health care provider who has not previously
26 applied for and received a Medicaid provider number from the
27 Agency for Health Care Administration. However, this exception
28 shall be valid for a period not to exceed 90 days after the
29 date of delivery to the Medicaid recipient and shall not be
30 renewed by the agency.

31 9. Family placement services.

1 10. Prevention services related to mental health,
2 including drug abuse prevention programs, child abuse
3 prevention programs, and shelters for runaways, operated by
4 not-for-profit corporations. However, in acquiring such
5 services, the agency shall consider the ability of the vendor,
6 past performance, willingness to meet time requirements, and
7 price.

8 11. Training and education services provided to
9 injured employees pursuant to s. 440.49(1).

10 12. Contracts entered into pursuant to s. 337.11.

11 13. Contractual services or commodities provided
12 directly by governmental agencies; state universities and
13 colleges; independent nonprofit colleges or universities
14 located within the state and accredited by the Southern
15 Association of Colleges and Schools; the Federal Government or
16 any department, commission, agency, or other instrumentality
17 thereof; and any state or agency thereof. This subparagraph
18 does not apply to contractual services or commodities provided
19 by these entities pursuant to a contract between the entity
20 and a private vendor.

21 14. Contractual services or commodities provided to
22 the Department of State for the purpose of voter education
23 activities by a Supervisor of Elections Office within this
24 state or a nonprofit professional association adjunct to that
25 office.

26 (g) The purchase is for continuing education events or
27 programs that are offered to the general public and the
28 purchase is paid for by which fees that have been collected
29 for that pay all expenses associated with the event or program
30 are exempt from requirements for competitive solicitation.

31

1 (6) If less than two responsive bids, proposals, or
2 replies for commodity or contractual services purchases are
3 received, the department or other agency may negotiate on the
4 best terms and conditions. The department or other agency
5 shall document the reasons that such action is in the best
6 interest of the state in lieu of resoliciting competitive
7 sealed bids, proposals, or replies. ~~Each agency shall report~~
8 ~~all such actions to the department on a quarterly basis, in a~~
9 ~~manner and form prescribed by the department.~~

10 (17) For a contract in excess of the threshold amount
11 provided in s. 287.017 for CATEGORY FOUR, the agency head
12 shall appoint:

13 (a) At least three persons to evaluate proposals and
14 replies who collectively have experience and knowledge in the
15 program areas and service requirements for which commodities
16 or contractual services are sought.

17 (b) At least three persons to conduct negotiations
18 during a competitive sealed reply procurement who collectively
19 have experience and knowledge in negotiating contracts,
20 contract procurement, and the program areas and service
21 requirements for which commodities or contractual services are
22 sought. When the contract is in excess of \$1 million, at least
23 one of the persons conducting negotiations must be a certified
24 negotiator as established by the department. The department
25 shall, by rule, establish the experience, knowledge, and
26 training required to be a certified negotiator. If the
27 procuring agency does not have an employee who has the
28 requisite certification, the department shall select a
29 certified negotiator from another agency or shall contract
30 with a certified negotiator to participate in the procuring
31 agency's negotiations.

1 (18) A person who receives a contract that has not
2 been procured pursuant to subsections (1) through (5) to
3 perform a feasibility study of the potential implementation of
4 a subsequent contract, who participates in the drafting of a
5 solicitation or who develops a program for future
6 implementation, is not eligible to contract or subcontract,
7 either directly or indirectly,with the agency for any other
8 contracts dealing with that specific subject matter, and any
9 firm in which such person has any interest is not eligible to
10 receive such contract or subcontract. However, this
11 prohibition does not prevent a vendor who responds to a
12 request for information from being eligible to contract with
13 an agency.

14 ~~(22) An agency may contract for services with any~~
15 ~~independent, nonprofit college or university which is located~~
16 ~~within the state and is accredited by the Southern Association~~
17 ~~of Colleges and Schools, on the same basis as it may contract~~
18 ~~with any state university and college.~~

19 (23)(a) The department, in consultation with the State
20 Technology Office and the Chief Financial Officer ~~Comptroller,~~
21 shall develop a program for on-line procurement of commodities
22 and contractual services. To enable the state to promote open
23 competition and to leverage its buying power, agencies shall,
24 and eligible users may, procure commodities and contractual
25 services through ~~participate in~~ the on-line procurement
26 program, ~~and eligible users may participate in the program.~~
27 ~~Only vendors prequalified as meeting mandatory requirements~~
28 ~~and qualifications criteria shall be permitted to participate~~
29 ~~in on-line procurement.~~The department, in consultation with
30 the State Technology Office, may contract for equipment and
31

1 services necessary to develop and implement on-line
2 procurement.

3 (b) The department, in consultation with the State
4 Technology Office, shall adopt rules, pursuant to ss.

5 120.536(1) and 120.54, to administer the program for on-line
6 procurement. The rules shall include, but not be limited to:

7 1. Determining the requirements and qualification
8 criteria for prequalifying vendors.

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

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

13 ~~3.4.~~ Establishing the procedures for providing access
14 to on-line procurement.

15 ~~4.5.~~ Determining the criteria warranting any
16 exceptions to the requirement that agencies procure
17 commodities and contractual services through participation in
18 the on-line procurement program.

19 (c) The department may collect fees for the use of the
20 on-line procurement system ~~systems~~. The fees may be imposed on
21 an individual transaction basis and ~~or as a fixed percentage~~
22 ~~of the cost savings generated. At a minimum, the fees must be~~
23 ~~set in an amount that covers sufficient to cover the projected~~
24 ~~costs of the online procurement system such services,~~
25 ~~including the administrative and project service costs in~~
26 ~~accordance with the policies of the department; however, the~~
27 fee may not exceed one percent of each transaction. For the
28 ~~purposes of compensating the provider, the department may~~
29 ~~authorize the provider to collect and retain a portion of the~~
30 ~~fees. The providers may withhold the portion retained from the~~
31 ~~amount of fees to be remitted to the department. The~~

1 ~~department may negotiate the retainage as a percentage of such~~
2 ~~fees charged to users, as a flat amount, or as any other~~
3 ~~method the department deems feasible.~~ All fees and surcharges
4 collected under this paragraph shall be deposited in the
5 Grants and Donation Trust Fund as provided by law.

6 (23)~~(24)~~(a) The State Technology Office shall
7 establish, in consultation with the department, state
8 strategic information technology alliances for the acquisition
9 and use of information technology and related material with
10 prequalified contractors or partners to provide the state with
11 efficient, cost-effective, and advanced information
12 technology.

13 (b) In consultation with and under contract to the
14 State Technology Office, the state strategic information
15 technology alliances shall design, develop, and deploy
16 projects providing the information technology needed to
17 collect, store, and process the state's data and information,
18 provide connectivity, and integrate and standardize computer
19 networks and information systems of the state.

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

23 (d) The State Technology Office, in consultation with
24 the department, shall adopt rules, pursuant to ss. 120.536(1)
25 and 120.54, to administer the state strategic information
26 technology alliances.

27 Section 11. Section 287.0571, Florida Statutes, is
28 created to read:

29 287.0571 Reverse auctions.--

30 (1) For purposes of this section, the term "reverse
31 auction" means an open and interactive process that is

1 conducted through the online procurement system provided for
2 in s. 287.057(23); that permits vendors to electronically
3 submit prices during a specified time period for the purpose
4 of competing to provide the lowest price; and that updates and
5 reveals submitted prices to all participating vendors on a
6 real-time basis.

7 (2) Notwithstanding this part's requirements that
8 prices submitted in response to competitive solicitations be
9 sealed, an agency may use a reverse auction for the purpose of
10 obtaining prices from vendors responding to a competitive
11 solicitation for commodities or contractual services if the
12 competitive solicitation:

13 (a) Specifies all terms and conditions applicable to
14 the conducting of, and participation in, a reverse auction;

15 (b) Identifies the times and dates between which
16 prices will be received; and

17 (c) Contains all information otherwise required by
18 this part for competitive solicitations.

19 (3) Reverse auctions may not be used for procurements
20 of construction services, printing, or systems for modular
21 furniture and work stations.

22 (4) The department shall adopt rules pursuant to ss.
23 120.536(1) and 120.54, which specify the types of procurements
24 for which reverse auctions may be used and which prescribe
25 procedures for conducting reverse auctions.

26 Section 12. Section 287.0575, Florida Statutes, is
27 created to read:

28 287.0575 Cost or pricing information;
29 truth-in-negotiation certificate.--

30 (1) Prior to the award or modification of a contract
31 for commodities or contractual services, the head of a

1 procuring agency may require vendors to submit certified cost
2 or pricing data when the cost or price of the contract plus
3 the cost or price of any contract modification exceeds \$1
4 million and that cost or price is not:
5 (a) Based on adequate price competition;
6 (b) Based on established catalogue or market prices;
7 or
8 (c) Set by law or regulation.
9 (2)(a) If certified cost or pricing data is required
10 under this section:
11 1. Prior to the award of a contract, the requirement
12 must apply to all vendors under consideration for the contract
13 award at the time the requirement is issued by the agency; and
14 2. The vendor must submit the certified cost or
15 pricing data within 15 calendar days after receipt of a
16 written request from the agency, unless an extension is
17 granted in writing by the head of the agency.
18 (b) Any submission of cost or pricing data by a vendor
19 under this section must be accompanied by a written
20 truth-in-negotiation certificate that is executed by the
21 vendor, subject to penalties of perjury, which certifies that
22 the data submitted is accurate, complete, and current based on
23 the description of the commodity or contractual service
24 contained in the solicitation, the vendor's response to the
25 solicitation, the contract, or other documents specified by
26 the agency.
27 (3) An agency's written request for certified cost or
28 pricing data and a contract or contract modification for which
29 certified cost or pricing data is required must contain a
30 statement that the price of the contract or contract
31 modification, including any profit or fee, may be adjusted by

1 the agency to exclude any portion of the price that is
2 determined by the agency to have been based on inaccurate,
3 incomplete, or outdated cost or pricing data. Requests for
4 adjustments under this subsection must be made within 1 year
5 after the termination of the contract.

6 (4)(a) An agency may, at reasonable times and places,
7 audit the books and records of any vendor that has submitted
8 certified cost or pricing data under this section to the
9 extent that such books and records relate to the data. A
10 request by the agency to perform an audit may be made no later
11 than 1 year after the termination of the contract.

12 (b) Any vendor who receives a contract or contract
13 modification for which certified cost or pricing data is
14 required shall maintain books and records that relate to the
15 certified cost or pricing data for 5 years after the date of
16 final payment under the contract or after the date that
17 resolution of a contract or contract modification price
18 adjustment occurs, whichever date is later.

19 (5) As used in this section, the term "cost or pricing
20 data" means all facts that a prudent buyer or seller would
21 reasonably expect to affect cost or price negotiations as of
22 the date of the agreement on the price of a contract or
23 contract modification or another date agreed upon by the
24 parties. The term does not include information that is in the
25 form of opinion or conjecture, but does include factual
26 information from which an opinion or conjecture regarding cost
27 or price may be derived.

28 Section 13. Section 287.0815, Florida Statutes, is
29 created to read:

30 287.0815 Outsourcing contract reporting.--

31 (1) For purposes of this section, the term:

1 (a) "Outsourcing contract" means a contractual
2 relationship between an agency and a private entity for the
3 provision in whole or in part of a public function or
4 responsibility.

5 (b) "Agency" means any official, officer, commission,
6 board, authority, council, committee, or department of the
7 executive branch of state government.

8 (2) Beginning October 1, 2004, and monthly thereafter,
9 the department shall produce a report that: lists each agency
10 outsourcing contract and any subcontracts; identifies the
11 name, legal domicile, and principal place of business of each
12 contractor and subcontractor; identifies the physical
13 locations where contractual services required by the contract
14 and subcontracts are being performed; and identifies each
15 outsourcing contract and subcontract price. The report shall
16 be made available to the public through the department's
17 website.

18 Section 14. Section 287.1345, Florida Statutes, is
19 repealed.

20 Section 15. Subsection (2) of section 287.16, Florida
21 Statutes, is amended to read:

22 287.16 Powers and duties of department.--The
23 Department of Management Services shall have the following
24 powers, duties, and responsibilities:

25 (2) To establish and operate central facilities for
26 the acquisition, disposal, operation, ~~maintenance, repair,~~
27 ~~storage,~~ supervision, control, and regulation of all
28 state-owned or state-leased aircraft, watercraft, and motor
29 vehicles and to operate any state facilities for those
30 purposes. Acquisition may be by purchase, lease, loan, or in
31

1 any other legal manner. The department may contract for the
2 maintenance and repair of motor vehicles.

3 Section 16. Section 287.161, Florida Statutes, is
4 amended to read:

5 287.161 Executive aircraft pool; assignment of
6 aircraft; charge for transportation.--

7 (1) There is created within the Department of
8 Management Services an executive aircraft pool consisting of
9 state-owned or state-leased aircraft for the purpose of
10 furnishing executive air travel. Such aircraft shall not be a
11 model in excess of a two-engine jet. Aircraft included in the
12 executive aircraft pool may not be specifically assigned to
13 any department or agency on any basis.

14 (2) The Department of Management Services shall charge
15 all persons receiving transportation from the executive
16 aircraft pool a rate not less than the mileage allowance fixed
17 by the Legislature for the use of privately owned vehicles.
18 ~~However, state employees traveling on a space-available basis~~
19 ~~may not be charged more than the vehicle mileage allowance.~~

20 (3) Fees collected for persons traveling by aircraft
21 in the executive aircraft pool shall be deposited into the
22 Bureau of Aircraft Trust Fund and shall be expended for fuel,
23 maintenance, or other costs incurred to operate the aircraft
24 management activities of the department. It is the intent of
25 the Legislature that the executive aircraft pool be operated
26 on a full-cost-recovery basis, less available funds in
27 ~~accordance with rules adopted pursuant to s. 287.16.~~

28 ~~(4) Notwithstanding the requirements of subsections~~
29 ~~(2) and (3) and for the 2003-2004 fiscal year only, the~~
30 ~~Department of Management Services shall charge all persons~~
31 ~~receiving transportation from the executive aircraft pool a~~

1 ~~rate not less than the mileage allowance fixed by the~~
2 ~~Legislature for the use of privately owned vehicles. Fees~~
3 ~~collected for persons traveling by aircraft in the executive~~
4 ~~aircraft pool shall be deposited into the Bureau of Aircraft~~
5 ~~Trust Fund and shall be expended for costs incurred to operate~~
6 ~~the aircraft management activities of the department. It is~~
7 ~~the intent of the Legislature that the executive aircraft pool~~
8 ~~be operated on a full cost recovery basis, less available~~
9 ~~funds. This subsection expires July 1, 2004.~~

10 Section 17. Subsection (5) of section 287.17, Florida
11 Statutes, is amended to read:

12 287.17 Limitation on use of motor vehicles and
13 aircraft.--

14 (5) Each state agency's head shall, by December 31 of
15 each year, ~~2000~~, conduct a review of motor vehicle utilization
16 with oversight from the agency's inspector general. This
17 review shall consist of two parts. The first part of the
18 review shall determine the number of miles that each assigned
19 motor vehicle has been driven on official state business in
20 the past fiscal year. Commuting mileage shall be excluded from
21 calculating vehicle use. The purpose of this review is to
22 determine whether employees with assigned motor vehicles are
23 driving the vehicles a sufficient number of miles to warrant
24 continued vehicle assignment. The second part of the review
25 shall identify employees who have driven personal vehicles
26 extensively on state business in the past fiscal year. The
27 purpose of this review is to determine whether it would be
28 cost-effective to provide state motor vehicles to such
29 employees. In making this determination, the inspector general
30 shall use the break-even mileage criteria developed by the
31 Department of Management Services. A copy of the review shall

1 be presented to the Department of Management Services Office
2 ~~of Program Policy Analysis and Government Accountability.~~

3 Section 18. Section 408.919, Florida Statutes, is
4 created to read:

5 408.919 Integrated Recipient Data Management Pilot
6 Project.--

7 (1) In order to combat fraud and duplication in the
8 delivery and receipt of public services in Florida, the agency
9 in partnership with the Department of Children and Families,
10 the Department of Health, the Department of Revenue, and the
11 Agency for Workforce Innovation shall develop an integrated
12 recipient data management pilot project database that shall
13 provide immediate responses to queries by the agency, the
14 Department of Children and Families, the Department of Health,
15 the Department of Revenue, and the Agency for Workforce
16 Innovation on the recipient's status with the programs and
17 services offered by the State of Florida through the agency,
18 the Department of Children and Families, the Department of
19 Health, the Department of Revenue, and the Agency for
20 Workforce Innovation.

21 (2) The agency shall, to the extent possible, obtain
22 matching funds from the Federal Government for this pilot
23 project. The agency shall contract for the development of this
24 pilot project with a contractor who is capable of linking
25 national public records data with existing state data related
26 to program recipients and providers. This contractor must have
27 the flexibility to access this high volume of data in 5
28 seconds or less against a data set of multiple billions of
29 records, have batch processing capabilities in the tens of
30 terabytes range, have the ability to provide a globally unique
31 identifier for each program recipient, and have the ability to

1 ensure that program recipient information made exempt or
2 confidential can be redacted when a public records request is
3 made. The globally unique identifier must not be the program
4 recipients' social security numbers, but must be able to
5 identify the program recipients based upon a combination of
6 names, addresses, social security numbers, and dates of birth.
7 The contractor must have experience handling and integrating
8 different types of public and proprietary data, must be
9 capable of processing unstructured text, and must be able to
10 complete data integration within 120 days after the execution
11 of the contract.

12 Section 19. Subsection (4) of section 945.025, Florida
13 Statutes, is amended to read:

14 945.025 Jurisdiction of department.--

15 (4)(a) Nothing contained in chapter 287 shall be
16 construed as requiring competitive bids for health services
17 involving examination, diagnosis, or treatment.

18 (b) A contract in which the department, in exchange
19 for revenue, authorizes a vendor to use governmental authority
20 or property for the purpose of selling goods or services to a
21 person shall be considered a procurement of contractual
22 services. This procurement shall be competitively solicited in
23 accordance with part I of chapter 287 if the sum of estimated
24 gross revenues to be generated under the contract for the
25 state and the contractor over the contract term exceed the
26 threshold amount for CATEGORY TWO in s. 287.017.

27 Section 20. Subsection (2) of section 946.515, Florida
28 Statutes, is amended to read:

29 946.515 Use of goods and services produced in
30 correctional work programs.--

31

1 (2) A ~~No~~ similar product or service of comparable
2 price and quality found necessary for use by any state agency
3 may not be purchased from any source other than the
4 corporation if the corporation certifies that the product is
5 manufactured by, or the service is provided by, inmates and
6 the product or service meets the comparable performance
7 specifications and comparable price and quality requirements
8 as specified under s. 287.042(1)(c)3.~~s. 287.042(1)(f)~~ or as
9 determined by an individual agency as provided in this
10 section. The purchasing authority of any such state agency may
11 make reasonable determinations of need, price, and quality
12 with reference to products or services available from the
13 corporation. In the event of a dispute between the corporation
14 and any purchasing authority based upon price or quality under
15 this section or s. 287.042(1)(c)3.~~s. 287.042(1)(f)~~, either
16 party may request a hearing with the Department of Management
17 Services and if not resolved, either party may request a
18 proceeding pursuant to ss. 120.569 and 120.57, which shall be
19 referred to the Division of Administrative Hearings within 60
20 days after such request, to resolve any dispute under this
21 section. No party is entitled to any appeal pursuant to s.
22 120.68.

23 Section 21. This bill shall take effect on October 1,
24 2004, except that section 12 of this act, which creates
25 section 287.0575, Florida Statutes, shall take effect on that
26 date only if House Bill 1889 or similar legislation is enacted
27 during the same legislative session or an extension thereof
28 and becomes law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2932

Requires listing of subcontractors on bids or proposals submitted in response to public solicitations for specified construction projects. Removes bill's provisions making printing services a commodity for purposes of ch. 287, F.S. Amends liquidated damages provision for defective printing. Adds a definition for the term "Secretary" to ch. 287, F.S. Creates s. 287.0565, F.S., to authorize the Department of Management Services to adopt rules for small procurements. Creates s. 287.0571, F.S., to provide reverse auction authority. Exempts commodities and contractual services for specified voter education activities from competitive solicitation requirements. Requires deposit of online procurement fees in Grants and Donations Trust Fund. Limits fee to one percent. Amends requirements in s. 287.0575, F.S., for certified cost and pricing data. Requires competitive solicitation of specified revenue generating contracts executed by the Department of Corrections. Creates s. 408.919, F.S., to require the Agency for Health Care Administration to contract for the development of an Integrated Recipient Data Management Pilot Project. Removes bill's provisions that amended sections relating to minority business enterprises. Amends effective date.