

Bill No. SB 1784

Barcode 520658

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (Wise) recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, line 12, through
page 3, line 3, delete those lines

and insert:

Section 1. Paragraphs (d) and (g) of subsection (2), paragraph (a) of subsection (3), and paragraphs (b) and (c) of subsection (4) of section 287.055, Florida Statutes, are amended, and paragraph (1) is added to subsection (2) of that section, to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.--

(2) DEFINITIONS.--For purposes of this section:

(d) "Compensation" means the ~~total~~ amount paid by the agency for professional services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or

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1 other figures or formulas from which compensation can be
2 calculated.

3 (g) A "continuing contract" is a contract for
4 professional services entered into in accordance with all the
5 procedures of this act between an agency and a firm whereby
6 the firm provides professional services to the agency for
7 projects in which construction costs do not exceed \$1 million,
8 for study activity when the fee for such professional service
9 does not exceed \$50,000, or for work of a specified nature as
10 outlined in the contract required by the agency, with no time
11 limitation except that the contract must provide a termination
12 clause. Professionals under continuing contracts shall not be
13 required to bid against one another.

14 (1) "Negotiate" or any form of that word means to
15 conduct legitimate, arms length discussions and conferences to
16 reach an agreement on a term or price. For purposes of this
17 section, the term does not include presentation of flat-fee
18 schedules with no alternatives or discussion.

19 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION
20 PROCEDURES.--

21 (a)1. Each agency shall publicly announce, in a
22 uniform and consistent manner, each occasion when professional
23 services must be purchased for a project the basic
24 construction cost of which is estimated by the agency to
25 exceed the threshold amount provided in s. 287.017 for
26 CATEGORY FIVE or for a planning or study activity when the fee
27 for professional services exceeds the threshold amount
28 provided in s. 287.017 for CATEGORY TWO, except in cases of
29 valid public emergencies certified by the agency head. The
30 public notice must include a general description of the
31 project and must indicate how interested consultants may apply

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1 for consideration.

2 2. Each agency shall provide a good faith estimate in
3 determining whether the proposed activity meets the threshold
4 amounts referred to in this paragraph.

5 3. If an agency determines that a proposed activity
6 does not meet the monetary thresholds referred to in this
7 paragraph and proceeds to solicit bids for the activity, and
8 if the average of all of the responsive bids actually received
9 by the agency exceeds such thresholds for the specified
10 activity, the agency shall reject all bids and proceed in
11 accordance with the provisions of this section.

12 (4) COMPETITIVE SELECTION.--

13 (b) The agency shall select in order of preference no
14 fewer than three firms deemed to be the most highly qualified
15 to perform the required services. In determining whether a
16 firm is qualified, the agency shall consider such factors as
17 the ability of professional personnel; whether a firm is a
18 certified minority business enterprise; past performance;
19 proven capability ~~willingness~~ to meet time and budget
20 requirements; location, if the agency has adopted a
21 local-preference program; ~~recent, current, and projected~~
22 ~~workloads of the firms~~; and the volume of work previously
23 awarded to each firm by the agency, with the object of
24 effecting an equitable distribution of contracts among
25 qualified firms, provided such distribution does not violate
26 the principle of selection of the most highly qualified firms.
27 The agency may request, accept, and consider proposals for the
28 compensation to be paid under the contract only during
29 competitive negotiations under subsection (5).

30 (c) This subsection does not apply to a professional
31 service contract for a project the basic construction cost of

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1 | which is estimated by the agency to be not in excess of the
2 | threshold amount provided in s. 287.017 for CATEGORY FIVE or
3 | for a planning or study activity when the fee for professional
4 | services is not in excess of the threshold amount provided in
5 | s. 287.017 for CATEGORY TWO. However, when such an
6 | alternative-procurement process is used, the agency shall, if
7 | the compensation proposed by a majority of the firms that
8 | submit bids exceeds the amount of such threshold estimate,
9 | reject all proposals and reinstate procurement under this
10 | subsection.

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13 | ===== T I T L E A M E N D M E N T =====

14 | And the title is amended as follows:

15 | On page 1, line 8, after the semicolon,

16 |

17 | insert:

18 | revising the criteria for the competitive
19 | selection of bids to purchase professional
20 | services;

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