

1 A bill to be entitled
 2 An act relating to professional services acquisition;
 3 amending s. 287.055, F.S.; revising certain definitions;
 4 defining the term "negotiate"; providing additional
 5 criteria for processing bids to purchase professional
 6 services which exceed certain threshold amounts; providing
 7 an effective date.

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

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 11 Section 1. Paragraphs (d) and (g) of subsection (2) and
 12 paragraph (a) of subsection (3) of section 287.055, Florida
 13 Statutes, are amended, and paragraph (1) is added to subsection
 14 (2) of said section, to read:

15 287.055 Acquisition of professional architectural,
 16 engineering, landscape architectural, or surveying and mapping
 17 services; definitions; procedures; contingent fees prohibited;
 18 penalties.--

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

20 (d) "Compensation" means the ~~total~~ amount paid by the
 21 agency for professional services regardless of whether stated as
 22 compensation or stated as hourly rates, overhead rates, or other
 23 figures or formulas from which compensation can be calculated.

24 (g) A "continuing contract" is a contract for professional
 25 services entered into in accordance with all the procedures of
 26 this act between an agency and a firm whereby the firm provides
 27 professional services to the agency for projects in which
 28 construction costs do not exceed \$1 million, for study activity

CODING: Words **stricken** are deletions; words **underlined** are additions.

29 when the fee for such professional service does not exceed
 30 \$50,000, or for work of a specified nature as outlined in the
 31 contract required by the agency, with no time limitation except
 32 that the contract must provide a termination clause.

33 Professionals under continuing contracts shall not be required
 34 to bid against one another.

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

40 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.--

41 (a)1. Each agency shall publicly announce, in a uniform
 42 and consistent manner, each occasion when professional services
 43 must be purchased for a project the basic construction cost of
 44 which is estimated by the agency to exceed the threshold amount
 45 provided in s. 287.017 for CATEGORY FIVE or for a planning or
 46 study activity when the fee for professional services exceeds
 47 the threshold amount provided in s. 287.017 for CATEGORY TWO,
 48 except in cases of valid public emergencies certified by the
 49 agency head. The public notice must include a general
 50 description of the project and must indicate how interested
 51 consultants may apply for consideration.

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

55 3. If an agency determines that a proposed activity does
 56 not meet the monetary thresholds referred to in this paragraph

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57 and proceeds to solicit bids for the activity, and if the
58 average of all of the responsive bids actually received by the
59 agency exceeds such thresholds for the specified activity, the
60 agency shall reject all bids and proceed in accordance with the
61 provisions of this section.

62 Section 2. This act shall take effect July 1, 2005.