

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1531 Sebring Airport Authority, Highlands County

SPONSOR(S): Grimsley
TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	_____	<u>Fudge</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Sebring Airport Authority (Authority) is a dependent district located in Highlands County which controls the Sebring Regional Airport and Industrial Park.

Section 287.055, F.S., governs the procuring and contracting by the Authority for professional architectural, engineering, landscape architectural, or land surveying and mapping. The Authority must competitively select and negotiate with the most qualified firm to provide these professional services for a project. However, the Authority is prohibited from “asking firms providing professional services to bid against one another.”

HB 1531 would allow the Authority to conduct bidding by “choosing a qualified entity to prepare a scope of work, or design criteria package, as may be appropriate; and [then] the remaining qualified entities [would] bid on that project, rather than simply awarding each project in a round-robin fashion as contemplated by [s. 287.055(4)(b), F.S.]”

The bill is effective upon becoming law.

Pursuant to House Rule 5.5(b), a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. The provisions of House Rule 5.5(b) appear to apply to this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The Sebring Airport Authority (Authority) is a dependent district located in Highlands County which controls the Sebring Regional Airport and Industrial Park. The Authority is authorized to fix and collect fees for the use of or for the services and facilities furnished by any airport facilities. The Authority is not authorized to impose any ad valorem tax or non-ad valorem assessment.

The Authority must competitively award contracts over \$10,000 by sealed bids. In addition, s. 287.055, F.S., the "Consultants' Competitive Negotiation Act" governs the procuring and contracting by the Authority for professional architectural, engineering, landscape architectural, or land surveying and mapping. The Authority must competitively select and negotiate with the most qualified firm to provide these professional services for a project. The CCNA permits the Authority to "enter into multiple continuing contracts for professional services."¹ However, the CCNA prohibits the Authority from "asking firms providing professional services to bid against one another."²³

Effect of Proposed Changes

HB 1531 would allow the Authority to conduct bidding by "choosing a qualified entity to prepare a scope of work, or design criteria package, as may be appropriate; and [then] the remaining qualified entities [would] bid on that project, rather than simply awarding each project in a round-robin fashion as contemplated by [s. 287.055(4)(b), F.S.]"

The bill would also allow the Authority to enter into continuing contracts with multiple qualified professionals. The bill also allows the Authority to choose one provider to prepare the scope of work, or design criteria package and have remaining providers submit bids on that project.

C. SECTION DIRECTORY:

Section 1: Permits the Authority to enter into continuing contracts with multiple qualified professionals; authorizes one provider to prepare the scope of work, or design criteria package and have remaining providers submit bids on that project.

Section 2: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

¹ Op. Att'y Gen. Fla. 07-49 (2007). A continuing contract is a contract for professional services in which construction costs do not exceed \$1 million, for study activity when the fee does not exceed \$50,000, or for work of a specified nature as outlined in the contract. s. 287.055(4)(g), F.S.

² s. 287.055(4)(g), F.S., states that "[f]irms providing professional services under continuing contracts shall not be required to bid against one another."

³ *Id.*

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 6, 2008.

WHERE? In the *Highlands Today*, a daily newspaper published in Highlands County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

The Economic Impact Statement indicates that this procurement method has not been previously utilized and historical data is not available.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Possible Exemption from General Law.

Section 287.055(4)(g), F.S., states that “[f]irms providing professional services under continuing contracts shall not be required to bid against one another.” The bill would authorize the district to require qualified contractors to competitively bid on a project.

D. STATEMENT OF THE SPONSOR

Pursuant to the Consultants’ Competitive Negotiation Act, the Sebring Airport Authority has selected a number of providers as highly qualified to provide professional services on its projects. On smaller projects, whose scope can be readily defined, it would like to request the service providers submit competitive proposals rather than simply awarding the contracts in a round-robin fashion. HB 1531 seeks to allow the Sebring Airport Authority this addition to the procurement process. Since only highly qualified service providers could submit competitive proposals, permitting bidding among continuing contract service providers would more-likely-than-not achieve the highest quality service at the most competitive rate.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES