

By Senator Fasano

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1 A bill to be entitled

2 An act relating to the Advisory Committee on State  
3 Procurement; establishing the Advisory Committee on State  
4 Procurement for the purpose of evaluating the state  
5 procurement process and carrying out the legislative  
6 policy created under the act; providing policy of the  
7 Legislature with respect to the procurement of goods,  
8 services, and facilities by the state; providing for  
9 membership and organization of the committee; providing  
10 duties of the committee; providing powers of the  
11 committee; requiring state agency cooperation with the  
12 committee; requiring reports of the committee; providing  
13 for termination of the committee; providing an  
14 appropriation; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Advisory Committee on State Procurement; policy;  
19 duties; termination of advisory committee.--

20 (1) ADVISORY COMMITTEE ON STATE PROCUREMENT;  
21 ESTABLISHMENT.--The Advisory Committee on State Procurement is  
22 established for the purpose of evaluating the entire state  
23 procurement process, including the organization, staffing,  
24 leadership, planning, and controls involved in the procurement  
25 process, and for the purpose of carrying out the policy set forth  
26 in subsection (2).

27 (2) LEGISLATIVE POLICY.--It is the policy of the  
28 Legislature to promote economy, efficiency, and effectiveness in  
29 the procurement of goods, services, and facilities by and for the

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30 executive branch of state government through the following means:

31 (a) The establishment of policies, procedures, and  
32 practices that require the state to procure goods, services, and  
33 facilities of requisite quality, in a timely manner, and at the  
34 lowest reasonable cost, using competitive bidding to the maximum  
35 extent possible.

36 (b) Improvement of the quality, efficiency, economy, and  
37 performance of organizations and personnel involved in the  
38 procurement of goods, services, and facilities by the state.

39 (c) Elimination of unnecessary overlapping or duplication  
40 of procurement activities and related activities such as contract  
41 administration and inspections.

42 (d) Elimination of unnecessary or redundant requirements  
43 placed on contractors or on officials in charge of the  
44 procurement of goods, services, and facilities by the state.

45 (e) Identification of gaps, omissions, or inconsistencies  
46 in state laws, rules, and directives relating to the procurement  
47 of goods, services, and facilities by the state which should be  
48 brought to the attention of the Legislature.

49 (f) Attainment of greater uniformity in and simplification  
50 of procurement procedures, whenever appropriate.

51 (g) Coordination of the procurement policies and programs  
52 of the various departments and agencies of the state, whenever  
53 possible.

54 (h) The conforming of procurement policies and programs to  
55 other successful established state policies and programs,  
56 whenever appropriate.

57 (i) Minimization of possible disruptive effects of state  
58 procurement on particular industries, areas, or occupations.

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59       (j) Improvement of the understanding of the laws and  
60 policies of the state relating to the procurement of goods,  
61 services, and facilities by the state, not only within state  
62 government but on the part of organizations and individuals doing  
63 business with the state.

64       (k) Promotion of fair dealing and equitable relationships  
65 among the parties in state contracting.

66       (l) Promotion of economy, efficiency, and effectiveness in  
67 state procurement organizations and operations by any means the  
68 committee deems beneficial and appropriate.

69       (m) Giving special consideration to procurement laws,  
70 policies, procedures, practices, organization, staffing,  
71 leadership, and controls of the Federal Government's procurement  
72 process.

73  
74 This subsection does not limit the committee's means of  
75 facilitating the legislative policy expressed in this section,  
76 the inquiries of the committee, or the committee's authority to  
77 investigate additional areas the committee considers significant,  
78 relevant, or important.

79       (3) MEMBERSHIP; ORGANIZATION.--

80       (a) The committee shall be composed of 13 members. Three  
81 members shall be appointed by the President of the Senate, three  
82 members shall be appointed by the Speaker of the House of  
83 Representatives, and four members shall be appointed by the  
84 Governor, one member shall be appointed by the Attorney General,  
85 one member shall be appointed by the Commissioner of Agriculture,  
86 and one member shall be appointed by the Chief Financial Officer.  
87 Of the three appointments made by the President of the Senate,

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88 two appointees shall be Senators who are not of the same  
89 political party, and one appointee shall be from outside state  
90 government. Of the three appointments made by the Speaker of the  
91 House of Representatives, two appointees shall be members of the  
92 House of Representatives who are not of the same political party,  
93 and one appointee shall be from outside state government. Of the  
94 four appointments made by the Governor, two appointees shall be  
95 from the executive branch of state government and two appointees  
96 shall be from outside state government. The Attorney General, the  
97 Commissioner of Agriculture, and the Chief Financial Officer  
98 shall each appoint the official in charge of procurement within  
99 his or her respective agency.

100 (b) The Auditor General or the Auditor General's designated  
101 representative shall attend the meetings of the committee and  
102 provide technical assistance to the committee.

103 (c) The committee shall select a chair and a vice chair  
104 from among its members.

105 (d) Eight members of the committee shall constitute a  
106 quorum.

107 (e) Any vacancies in the committee shall be filled for the  
108 unexpired term in the same manner as the original appointment.

109 (f) Members of the committee who are members of the  
110 Legislature or who are officers or employees in the executive  
111 branch of state government shall serve without compensation, but  
112 are entitled to reimbursement for per diem and travel expenses in  
113 accordance with s. 112.061, Florida Statutes.

114 (4) DUTIES OF ADVISORY COMMITTEE.--The advisory committee  
115 shall study and investigate:

116 (a) The current laws of the state which govern the

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117 procurement of goods, services, and facilities by the state;

118 (b) The procurement policies, rules, procedures, and  
119 practices followed by the departments, bureaus, agencies, boards,  
120 commissions, offices, and instrumentalities of the executive  
121 branch of state government; and

122 (c) The organizations and management processes involved in  
123 a procurement of goods, services, and facilities prior to the  
124 award of a state procurement contract; during the solicitation of  
125 bids, evaluation, and negotiation of a contract; and subsequent  
126 to the award of the contract in order to determine the extent to  
127 which these organizations and management processes facilitate the  
128 policy set forth in subsection (2).

129 (5) POWERS OF THE ADVISORY COMMITTEE.--

130 (a) The advisory committee, or any subcommittee or  
131 individual member thereof, may hold hearings and take testimony.  
132 Any member of the committee may administer oaths or affirmations  
133 to witnesses.

134 (b) The committee may acquire information directly from the  
135 head of any state department or agency for the purpose of its  
136 studies and investigations. All departments and agencies shall  
137 cooperate with the committee and furnish all information  
138 requested by the committee to the extent permitted by law.  
139 Requests for information shall be made in the name of the chair  
140 or vice chair of the committee.

141 (c) The committee may appoint and fix the compensation of  
142 committee personnel without regard to state laws or rules  
143 governing state employment.

144 (d) The committee may procure the services of experts and  
145 consultants at rates not to exceed \$400 per day.

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146       (e) The committee may enter into contracts with private  
147 organizations and nonprofit institutions for the purpose of  
148 carrying out studies and preparing reports to facilitate the  
149 committee's work.

150       (6) AGENCY COOPERATION.--All departments or agencies of the  
151 state shall provide services to the committee upon request, on a  
152 reimbursable basis or otherwise, pursuant to agreements between  
153 the contributing agency and the chair or vice chair of the  
154 committee.

155       (7) REPORTS.--

156       (a) The advisory committee may make such interim reports as  
157 it considers advisable.

158       (b) By July 1, 2010, the advisory committee shall submit to  
159 the Clerk of the House of Representatives and the Secretary of  
160 the Senate the final report of its findings and recommendations  
161 for changes in statutes, rules, policies, procedures, and  
162 organization necessary to carry out the policy set forth in  
163 subsection (2).

164       (8) TERMINATION OF ADVISORY COMMITTEE.--The Advisory  
165 Committee on State Procurement shall cease to exist 120 days  
166 after the submission of its final report. The committee and its  
167 staff shall use the 120-day period between the submission of the  
168 final report and the termination of the committee to draft or  
169 assist in final preparation of legislative or administrative  
170 proposals that will carry out the recommendations of the  
171 committee contained in its final report.

172       Section 2. For the 2008-2009 fiscal year, the sum of \$4  
173 million is appropriated from the General Revenue Fund to the  
174 Advisory Committee on State Procurement for the purposes of

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175 | carrying out the provisions of this act.

176 |       Section 3. This act shall take effect July 1, 2008.