

1 A bill to be entitled
 2 An act relating to efficiency in procurement and
 3 contracting; creating s. 287.0575, F.S.; establishing the
 4 Advisory Committee on State Procurement for the purpose of
 5 evaluating the state procurement process and carrying out
 6 the legislative policy created under the act; providing
 7 policy of the Legislature with respect to the procurement
 8 of goods, services, and facilities by the state; providing
 9 for membership and organization of the committee;
 10 providing 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.

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

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 18 Section 1. Section 287.0575, Florida Statutes, is created
 19 to read:

20 287.0575 Advisory Committee on State Procurement; policy;
 21 duties; termination of advisory committee.--

22 (1) ADVISORY COMMITTEE ON STATE PROCUREMENT;
 23 ESTABLISHMENT.--The Advisory Committee on State Procurement is
 24 established for the purpose of evaluating the entire state
 25 procurement process of the executive branch of government,
 26 including the Department of Financial Services and the
 27 Department of Agriculture and Consumer Services. This evaluation
 28 shall include the organization, staffing, leadership, planning,

29 and controls involved in the procurement and contracting
30 process, for the purpose of carrying out the policy set forth in
31 subsection (2).

32 (2) LEGISLATIVE POLICY.--It is the policy of the
33 Legislature to promote economy, efficiency, and effectiveness in
34 the procurement of goods, services, and facilities by and for
35 the executive branch of state government through the following
36 means:

37 (a) The establishment of policies, procedures, and
38 practices which require the state to procure goods, services,
39 and facilities of requisite quality, in a timely manner, and at
40 the lowest reasonable cost, using competitive bidding to the
41 maximum extent possible.

42 (b) Improvement of the quality, efficiency, economy, and
43 performance of organizations and personnel involved in the
44 procurement of goods, services, and facilities by the state.

45 (c) Elimination of unnecessary overlapping or duplication
46 of procurement activities and related activities such as
47 contract administration.

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

51 (e) Identification of gaps, omissions, or inconsistencies
52 in state laws, rules, and directives relating to the procurement
53 of goods, services, and facilities by the state which should be
54 brought to the attention of the Legislature.

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

57 (g) Coordination of the procurement policies and programs
58 of the various departments and agencies of the state, whenever
59 possible.

60 (h) The conforming of procurement policies and programs to
61 other successful established state policies and programs,
62 whenever appropriate.

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

65 (j) Improvement of training with respect to, and the
66 understanding of, the laws and policies of the state relating to
67 the procurement of goods, services, and facilities by the state,
68 not only within state government but on the part of
69 organizations and individuals doing business with the state.

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

72 (l) Promotion of economy, efficiency, and effectiveness in
73 state procurement organizations, operations, and uniform
74 reporting by any means the committee deems beneficial and
75 appropriate.

76 (m) Giving special consideration to procurement laws,
77 policies, procedures, practices, organization, staffing,
78 leadership, and controls of the procurement processes of the
79 Federal Government and other states.

80 (n) Promotion of economy, efficiency, and effectiveness in
81 procurement, contract management, and project management
82 operations.

83
84 Nothing in this subsection shall be construed as limiting the

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85 committee's means of facilitating the legislative policy
86 expressed herein, the inquiries of the committee, or the
87 committee's authority to investigate additional areas the
88 committee deems significant, relevant, or important.

89 (3) MEMBERSHIP; ORGANIZATION.--

90 (a) The committee shall be composed of 11 members. Three
91 members shall be appointed by the President of the Senate, three
92 members shall be appointed by the Speaker of the House of
93 Representatives, three members shall be appointed by the
94 Governor, one member shall be appointed by the Chief Financial
95 Officer, and one member shall be appointed by the Auditor
96 General. Of the three appointments made by the President of the
97 Senate, two appointees shall be Senators who are not of the same
98 political party, and one appointee shall be from outside state
99 government. Of the three appointments made by the Speaker of the
100 House of Representatives, two appointees shall be members of the
101 House of Representatives who are not of the same political
102 party, and one appointee shall be from outside state government.
103 Of the three appointments made by the Governor, two appointees
104 shall be from the executive branch of state government and one
105 appointee shall be from outside state government. All committee
106 appointments shall be made within 60 days of the date on which
107 this act becomes law.

108 (b) The Auditor General or the Auditor General's
109 designated representative shall attend the meetings of the
110 committee and provide technical assistance to the committee.

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

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113 (d) Six members of the committee shall constitute a
114 quorum.

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

117 (f) Members of the committee who are members of the
118 Legislature or who are officers or employees in the executive
119 branch of state government shall serve without compensation but
120 shall be reimbursed for per diem and travel expenses in
121 accordance with s. 112.061.

122 (4) DUTIES OF ADVISORY COMMITTEE.--The advisory committee
123 shall:

124 (a) Appoint an executive director; and

125 (b) Study and investigate:

126 1. The current laws of the state which govern the
127 procurement of goods, services, and facilities by the state;

128 2. The procurement policies, rules, procedures, and
129 practices followed by the departments, bureaus, agencies,
130 boards, commissions, offices, and instrumentalities of the
131 executive branch of state government; and

132 3. The organizations and management processes involved in
133 a state procurement of goods, services, and facilities prior to
134 the award of a state procurement contract, during the
135 solicitation of bids, evaluation, and negotiation of a contract,
136 and subsequent to the award of the contract to determine the
137 extent to which these organizations and management processes
138 facilitate the policy set forth in subsection (2).

139 (5) POWERS OF ADVISORY COMMITTEE.--

140 (a) The advisory committee, or any subcommittee or

141 individual member thereof, may hold hearings and take testimony.
142 Any member of the committee may administer oaths or affirmations
143 to witnesses.

144 (b) The committee may acquire information directly from
145 the head of any state department or agency for the purpose of
146 its studies and investigations. All departments and agencies
147 shall cooperate with the committee and furnish all information
148 requested by the committee to the extent permitted by law.
149 Requests for information are required to be made in the name of
150 the chair or vice chair of the committee.

151 (c) The committee shall have power to appoint and fix the
152 compensation of committee personnel.

153 (d) The committee may procure the services of experts and
154 consultants.

155 (e) The committee may enter into contracts with private
156 organizations and nonprofit institutions to carry out studies
157 and prepare reports to facilitate the committee's work.

158 (6) AGENCY COOPERATION.--All departments or agencies of
159 the state are required to provide services to the committee upon
160 request, on a reimbursable basis or otherwise, pursuant to
161 agreements between the contributing agency and the chair or vice
162 chair of the committee.

163 (7) REPORTS.--

164 (a) The advisory committee may make such interim reports
165 as it deems advisable.

166 (b) By December 31, 2009, the advisory committee shall
167 submit to the Speaker of the House of Representatives, the
168 President of the Senate, the Governor, the Chief Financial

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169 Officer, and the Auditor General the final report of its
170 findings and recommendations for changes in statutes, rules,
171 policies, procedures, and organization necessary to carry out
172 the policy set forth in subsection (2).

173 (8) TERMINATION OF ADVISORY COMMITTEE.--The Advisory
174 Committee on State Procurement shall cease to exist 120 days
175 after the submission of its final report. The committee and its
176 staff shall utilize the 120-day period between the submission of
177 the final report and the termination of the committee to draft
178 or assist in final preparation of legislative or administrative
179 proposals that will carry out the recommendations of the
180 committee contained in its final report.

181 Section 2. For the 2009-2010 fiscal year, the sum of \$5
182 million is appropriated from the General Revenue Fund to the
183 Advisory Committee on State Procurement for the purposes of
184 carrying out the provisions of this act.

185 Section 3. This act shall take effect upon becoming a law.