

By Senator Fasano

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1 A bill to be entitled
2 An act relating to efficiency in procurement and
3 contracting; creating s. 287.0575, F.S.; establishing
4 the Advisory Committee on State Procurement for the
5 purpose of evaluating the state procurement process
6 and carrying out the legislative policy created under
7 the act; providing policy of the Legislature with
8 respect to the procurement of goods, services, and
9 facilities by the state; providing for membership and
10 organization of the committee; providing duties of the
11 committee; providing powers of the committee;
12 requiring state agency cooperation with the committee;
13 requiring reports of the committee; providing for
14 termination of the committee; providing an
15 appropriation; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

58 (g) Coordination of the procurement policies and programs

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59 of the various departments and agencies of the state, whenever
60 possible.

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

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

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

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

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

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

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

84
85 Nothing in this subsection shall be construed as limiting the
86 committee's means of facilitating the legislative policy
87 expressed herein, the inquiries of the committee, or the

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88 committee's authority to investigate additional areas the
89 committee deems significant, relevant, or important.

90 (3) MEMBERSHIP; ORGANIZATION.—

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

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

112 (c) Six members of the committee shall constitute a quorum.

113 (d) Any vacancies in the committee shall be filled for the
114 unexpired term in the same manner as the original appointment.

115 (e) Members of the committee who are members of the
116 Legislature or who are officers or employees in the executive

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117 branch of state government shall serve without compensation, but
118 are entitled to reimbursement for per diem and travel expenses
119 in accordance with s. 112.061.

120 (4) DUTIES OF ADVISORY COMMITTEE.—The advisory committee
121 shall:

122 (a) Appoint an executive director; and

123 (b) Study and investigate:

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

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

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

137 (5) POWERS OF ADVISORY COMMITTEE.—

138 (a) The advisory committee, or any subcommittee or
139 individual member thereof, may hold hearings and take testimony.
140 Any member of the committee may administer oaths or affirmations
141 to witnesses.

142 (b) The committee may acquire information directly from the
143 head of any state department or agency for the purpose of its
144 studies and investigations. All departments and agencies shall
145 cooperate with the committee and furnish all information

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146 requested by the committee to the extent permitted by law.

147 Requests for information shall be made in the name of the chair
148 or vice chair of the committee.

149 (c) The committee may appoint and fix the compensation of
150 committee personnel.

151 (d) The committee may procure the services of experts and
152 consultants.

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

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

161 (7) REPORTS.—

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

164 (b) By December 31, 2009, the advisory committee shall
165 submit to the Governor, the President of the Senate, the Speaker
166 of the House of Representatives, the Chief Financial Officer,
167 and the director of the Office of Program Policy Analysis and
168 Government Accountability the final report of its findings and
169 recommendations for changes in statutes, rules, policies,
170 procedures, and organization necessary to carry out the policy
171 set forth in subsection (2).

172 (8) TERMINATION OF ADVISORY COMMITTEE.—The Advisory
173 Committee on State Procurement shall cease to exist 120 days
174 after the submission of its final report. The committee and its

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175 staff shall use the 120-day period between the submission of the
176 final report and the termination of the committee to draft or
177 assist in final preparation of legislative or administrative
178 proposals that will carry out the recommendations of the
179 committee contained in its final report.

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

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