



489362

LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/2R

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04/29/2009 04:09 PM

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Senator Haridopolos moved the following:

Senate Amendment (with title amendment)

Delete lines 97 - 198

and insert:

(c) The provisions of this subsection do not apply:

1. If ~~When~~ the project is undertaken to replace, reconstruct, or repair an existing public building, structure, or other public construction works facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:

a. An immediate danger to the public health or safety;



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13 b. Other loss to public or private property which requires
14 emergency government action; or

15 c. An interruption of an essential governmental service.

16 2. If ~~When~~, after notice by publication in accordance with
17 the applicable ordinance or resolution, the governmental entity
18 does not receive any responsive bids or proposals ~~responses~~.

19 3. To construction, remodeling, repair, or improvement to a
20 public electric or gas utility system if ~~when~~ such work on the
21 public utility system is performed by personnel of the system.

22 4. To construction, remodeling, repair, or improvement by a
23 utility commission whose major contracts are to construct and
24 operate a public electric utility system.

25 5. If ~~When~~ the project is undertaken as repair or
26 maintenance of an existing public facility. For the purposes of
27 this paragraph, the term "repair" means a corrective action to
28 restore an existing public facility to a safe and functional
29 condition and the term "maintenance" means a preventive or
30 corrective action to maintain an existing public facility in an
31 operational state or to preserve the facility from failure or
32 decline. Repair or maintenance includes activities that are
33 necessarily incidental to repairing or maintaining the facility.
34 Repair or maintenance does not include the construction of any
35 new building, structure, or other public construction works or
36 any substantial addition, extension, or upgrade to an existing
37 public facility. Such additions, extensions, or upgrades shall
38 be considered substantial if the estimated cost of the
39 additions, extensions, or upgrades included as part of the
40 repair or maintenance project exceeds the threshold amount in
41 subsection (1) and exceeds 20 percent of the estimated total



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42 cost of the repair or maintenance project using generally
43 accepted cost-accounting principles that fully account for all
44 costs associated with performing and completing the work,
45 including employee compensation and benefits, equipment cost and
46 maintenance, insurance costs, and materials. An addition,
47 extension, or upgrade is not considered substantial if it is
48 undertaken pursuant to the conditions specified in subparagraph
49 1. Repair and maintenance projects and any related additions,
50 extensions, or upgrades may not be divided into multiple
51 projects for the purpose of evading the requirements of this
52 subparagraph.

53 6. If ~~When~~ the project is undertaken exclusively as part of
54 a public educational program.

55 7. If ~~When~~ the funding source of the project will be
56 diminished or lost because the time required to competitively
57 award the project after the funds become available exceeds the
58 time within which the funding source must be spent.

59 8. If ~~When~~ the local government ~~has~~ competitively awarded a
60 project to a private sector contractor and the contractor ~~has~~
61 abandoned the project before completion or the local government
62 ~~has~~ terminated the contract.

63 9. If ~~When~~ the governing board of the local government
64 complies with all of the requirements of this subparagraph,
65 ~~after public notice,~~ conducts a public meeting under s. 286.011
66 after the public notice, and finds by a majority vote of the
67 governing board that it is in the public's best interest to
68 perform the project using its own services, employees, and
69 equipment. The public notice must be published at least 21 ~~14~~
70 days before ~~prior to~~ the date of the public meeting at which the



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71 governing board takes final action ~~to apply this subparagraph.~~
72 The notice must identify the project, the components and scope
73 of the work, and the estimated cost of the project using
74 generally accepted cost-accounting principles that fully account
75 for all costs associated with performing and completing the
76 work, including employee compensation and benefits, equipment
77 cost and maintenance, insurance costs, and materials. The notice
78 must, ~~and~~ specify that the purpose for the public meeting is to
79 consider whether it is in the public's best interest to perform
80 the project using the local government's own services,
81 employees, and equipment. Upon publication of the public notice
82 and for 21 days thereafter, the local government shall make
83 available for public inspection, during normal business hours
84 and at a location specified in the public notice, a detailed
85 itemization of each component of the estimated cost of the
86 project and documentation explaining the methodology used to
87 arrive at the estimated cost. At the public meeting, any
88 qualified contractor or vendor who could have been awarded the
89 project had the project been competitively bid shall be provided
90 with a reasonable opportunity to present evidence to the
91 governing board regarding the project and the accuracy of the
92 local government's estimated cost of the project. In deciding
93 whether it is in the public's best interest

94
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete lines 6 - 8

98 and insert:

99 the term "cost"; revising exceptions to the



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requirement that