

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, organization, and staffing of the  
 10 committee; providing duties of the committee; providing  
 11 powers of the committee; requiring state agency  
 12 cooperation with the committee; requiring reports of the  
 13 committee; providing for termination of the committee;  
 14 providing an 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,

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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

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 the director of the Office of  
96 Program Policy Analysis and Government Accountability or the  
97 director's designee. Of the three appointments made by the  
98 President of the Senate, two appointees shall be Senators who  
99 are not of the same political party, and one appointee shall be  
100 from outside state government. Of the three appointments made by  
101 the Speaker of the House of Representatives, two appointees  
102 shall be members of the House of Representatives who are not of  
103 the same political party, and one appointee shall be from  
104 outside state government. Of the three appointments made by the  
105 Governor, two appointees shall be from the executive branch of  
106 state government and one appointee shall be from outside state  
107 government. All committee appointments shall be made within 60  
108 days of the date on which this act becomes law.

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

111 (c) Six members of the committee shall constitute a  
112 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) The Office of Program Policy Analysis and Government  
 116 Accountability shall staff the advisory committee and provide  
 117 administrative support, administer contracts with outside  
 118 consultants, and provide evaluative research support to the  
 119 committee.

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

122 (a) The current laws of the state which govern the  
 123 procurement of goods, services, and facilities by the state;

124 (b) The procurement policies, rules, procedures, and  
 125 practices followed by the departments, bureaus, agencies,  
 126 boards, commissions, offices, and instrumentalities of the  
 127 executive branch of state government; and

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

135 (5) POWERS OF ADVISORY COMMITTEE.--

136 (a) The advisory committee may hold hearings and take  
 137 testimony. Any member of the committee may, on behalf of the  
 138 committee as a whole, administer oaths or affirmations to  
 139 witnesses at a hearing of the advisory committee.

140 (b) The committee may acquire information directly from

141 the head of any state department or agency for the purpose of  
 142 its studies and investigations. All departments and agencies  
 143 shall cooperate with the committee and furnish all information  
 144 requested by the committee to the extent permitted by law.  
 145 Requests for information are required to be made in the name of  
 146 the chair or vice chair of the committee.

147 (c) The committee may procure the services of experts and  
 148 consultants.

149 (d) The committee may enter into contracts with private  
 150 organizations and nonprofit institutions to carry out studies  
 151 and prepare reports to facilitate the committee's work.

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

157 (7) REPORTS.--

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

160 (b) By December 31, 2011, the advisory committee shall  
 161 submit to the Speaker of the House of Representatives, the  
 162 President of the Senate, the Governor, and the Chief Financial  
 163 Officer the final report of its findings and recommendations for  
 164 changes in statutes, rules, policies, procedures, and  
 165 organization necessary to carry out the policy set forth in  
 166 subsection (2).

167 (8) TERMINATION OF ADVISORY COMMITTEE.--The Advisory  
 168 Committee on State Procurement shall cease to exist 120 days

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169 after the submission of its final report. The committee and its  
170 staff shall utilize the 120-day period between the submission of  
171 the final report and the termination of the committee to draft  
172 or assist in final preparation of legislative or administrative  
173 proposals that will carry out the recommendations of the  
174 committee contained in its final report.

175 Section 2. For the 2010-2011 fiscal year, the sum of \$3.5  
176 million is appropriated from the General Revenue Fund to the  
177 Advisory Committee on State Procurement for the purposes of  
178 carrying out the provisions of this act.

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