

HB 649

2012

1 A bill to be entitled
 2 An act relating to state contracts; amending s.
 3 287.058, F.S.; requiring all state contracts of more
 4 than a certain amount to require any call-center
 5 services to be staffed by persons located within the
 6 United States; providing an effective date.

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 8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Subsection (1) of section 287.058, Florida
 11 Statutes, is amended to read:

12 287.058 Contract document.—

13 (1) A ~~Every~~ procurement of contractual services in excess
 14 of the threshold amount provided under ~~in~~ s. 287.017 for
 15 CATEGORY TWO, except for ~~the providing of~~ health and mental
 16 health services or drugs in the examination, diagnosis, or
 17 treatment of sick or injured state employees or ~~the providing of~~
 18 other benefits as required by ~~the provisions of~~ chapter 440,
 19 must ~~shall~~ be evidenced by a written agreement embodying all
 20 provisions and conditions for ~~of~~ the procurement of such
 21 services, which ~~shall~~, where applicable, must include, but need
 22 not be limited to, a provision:

23 (a) Providing that bills for fees or other compensation
 24 for services or expenses be submitted in detail sufficient for a
 25 proper preaudit and postaudit ~~thereof~~.

26 (b) Providing that bills for any travel expenses be
 27 submitted in accordance with s. 112.061. A state agency may
 28 establish rates lower than the maximum provided in s. 112.061.

29 (c) Specifying that all call-center services provided
 30 pursuant to the contract be staffed by persons located within
 31 the United States. This also applies to all call-center services
 32 performed by a subcontractor pursuant to the contract.

33 (d)~~(e)~~ Allowing unilateral cancellation by the agency for
 34 refusal by the contractor to allow public access to all
 35 documents, papers, letters, or other material made or received
 36 by the contractor in conjunction with the contract, unless the
 37 records are exempt from s. 24(a) of Art. I of the State
 38 Constitution and s. 119.07(1).

39 (e)~~(d)~~ Specifying a scope of work which ~~that~~ clearly
 40 establishes all tasks the contractor is required to perform.

41 (f)~~(e)~~ Dividing the contract into quantifiable,
 42 measurable, and verifiable units of deliverables which ~~that~~ must
 43 be received and accepted in writing by the contract manager
 44 before payment. Each deliverable must be directly related to the
 45 scope of work and specify the required minimum level of service
 46 to be performed and criteria for evaluating the successful
 47 completion of each deliverable.

48 (g)~~(f)~~ Specifying the criteria and the final date by which
 49 such criteria must be met for completion of the contract.

50 (h)~~(g)~~ Specifying that the contract may be renewed for up
 51 to a period that may not exceed 3 years or the term of the
 52 original contract, whichever ~~period~~ is longer, specifying the
 53 renewal price for the contractual service as set forth in the
 54 bid, proposal, or reply, specifying that costs for the renewal
 55 may not be charged, and specifying that renewals are ~~shall be~~
 56 contingent upon satisfactory performance evaluations by the

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57 agency and subject to the availability of funds. Exceptional
58 purchase contracts pursuant to s. 287.057(3)(a) and (c) may not
59 be renewed.

60 (i)~~(h)~~ Specifying the financial consequences that the
61 agency must apply if the contractor fails to perform in
62 accordance with the contract.

63 (j)~~(i)~~ Addressing the property rights of any intellectual
64 property related to the contract and the specific rights of the
65 state regarding the intellectual property if the contractor
66 fails to provide the services or is no longer providing
67 services.

68
69 In lieu of a written agreement, the department may authorize the
70 use of a purchase order for classes of contractual services, if
71 the provisions of paragraphs (a)-(j) ~~(a)-(i)~~ are included in the
72 purchase order or solicitation. The purchase order must include,
73 but need not be limited to, an adequate description of the
74 services, the contract period, and the method of payment. In
75 lieu of printing the provisions of paragraphs (a)-(j) ~~(a)-(i)~~ in
76 the contract document or purchase order, agencies may
77 incorporate the requirements of those paragraphs ~~(a)-(i)~~ by
78 reference.

79 Section 2. This act shall take effect July 1, 2012.