

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Albritton offered the following:

3

4 **Substitute Amendment for Amendment (711473) by**
 5 **Representative (with directory and title amendments)**

6 Remove lines 695-794 and insert:

7 (16) For a contract in excess of the threshold amount
 8 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
 9 appoint:

10 (a) At least three persons to evaluate proposals and
 11 replies who collectively have experience and knowledge in the
 12 program areas and service requirements for which commodities or
 13 contractual services are sought.

14 (b) At least three persons to conduct negotiations during
 15 a competitive sealed reply procurement who collectively have
 16 experience and knowledge in negotiating contracts, contract
 17 procurement, and the program areas and service requirements for
 18 which commodities or contractual services are sought.

19 (c) When the value of a contract is in excess of \$1
 20 million in any fiscal year, at least one of the persons

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21 conducting negotiations must be certified as a contract
22 negotiator based upon rules adopted by the Department of
23 Management Services in order to ensure that certified contract
24 negotiators are knowledgeable about effective negotiation
25 strategies, capable of successfully implementing those
26 strategies, and involved appropriately in the procurement
27 process. At a minimum, the rules must address the qualifications
28 required for certification, the method of certification, and the
29 procedure for involving the certified negotiator. If the value
30 of a contract is in excess of \$10 million in any fiscal year, at
31 least one of the persons conducting negotiations must be a
32 Project Management Professional, as certified by the Project
33 Management Institute.

34 (22) The department, in consultation with the Chief
35 Financial Officer ~~Agency for Enterprise Information Technology~~
36 ~~and the Comptroller~~, shall maintain ~~develop~~ a program for online
37 procurement of commodities and contractual services. To enable
38 the state to promote open competition and to leverage its buying
39 power, agencies shall participate in the online procurement
40 program, and eligible users may participate in the program. Only
41 vendors prequalified as meeting mandatory requirements and
42 qualifications criteria may participate in online procurement.

43 (a) The department, ~~in consultation with the agency~~, may
44 contract for equipment and services necessary to develop and
45 implement online procurement.

46 (b) The department, ~~in consultation with the agency~~, shall
47 adopt rules, pursuant to ss. 120.536(1) and 120.54, to

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48 administer the program for online procurement. The rules shall
49 include, but not be limited to:

50 1. Determining the requirements and qualification criteria
51 for prequalifying vendors.

52 2. Establishing the procedures for conducting online
53 procurement.

54 3. Establishing the criteria for eligible commodities and
55 contractual services.

56 4. Establishing the procedures for providing access to
57 online procurement.

58 5. Determining the criteria warranting any exceptions to
59 participation in the online procurement program.

60 (c) The department may impose and shall collect all fees
61 for the use of the online procurement systems.

62 1. The fees may be imposed on an individual transaction
63 basis or as a fixed percentage of the cost savings generated. At
64 a minimum, the fees must be set in an amount sufficient to cover
65 the projected costs of the services, including administrative
66 and project service costs in accordance with the policies of the
67 department.

68 2. If the department contracts with a provider for online
69 procurement, the department, pursuant to appropriation, shall
70 compensate the provider from the fees after the department has
71 satisfied all ongoing costs. The provider shall report
72 transaction data to the department each month so that the
73 department may determine the amount due and payable to the
74 department from each vendor.

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75 3. All fees that are due and payable to the state on a
76 transactional basis or as a fixed percentage of the cost savings
77 generated are subject to s. 215.31 and must be remitted within
78 40 days after receipt of payment for which the fees are due. For
79 fees that are not remitted within 40 days, the vendor shall pay
80 interest at the rate established under s. 55.03(1) on the unpaid
81 balance from the expiration of the 40-day period until the fees
82 are remitted.

83 4. All fees and surcharges collected under this paragraph
84 shall be deposited in the Operating Trust Fund as provided by
85 law.

86 Section 8. Effective December 1, 2014, subsection (14) of
87 section 287.057, Florida Statutes, is amended to read:

88 287.057 Procurement of commodities or contractual
89 services.--

90 (14) (a) For each contractual services contract, the agency
91 shall designate an employee to function as contract manager who
92 ~~is shall be~~ responsible for enforcing performance of the
93 contract terms and conditions and serve as a liaison with the
94 contractor.

95 (b) Each contract manager who is responsible for contracts
96 in excess of the threshold amount for CATEGORY TWO must, at a
97 minimum, complete attend training conducted by the Chief
98 Financial Officer for accountability in contracts and grant
99 management. The Chief Financial Officer shall establish and
100 disseminate uniform procedures pursuant to s. 17.03(3) to ensure
101 that contractual services have been rendered in accordance with
102 the contract terms before the agency processes the invoice for

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103 payment. The procedures shall include, but need not be limited
104 to, procedures for monitoring and documenting contractor
105 performance, reviewing and documenting all deliverables for
106 which payment is requested by vendors, and providing written
107 certification by contract managers of the agency's receipt of
108 goods and services.

109 (c) Each contract manager who is responsible for contracts
110 in excess of \$100,000 annually must complete training in
111 contract management and become a certified contract manager. The
112 department is responsible for establishing and disseminating the
113 requirements for certification, which include completing the
114 training conducted by the Chief Financial Officer for
115 accountability in contracts and grant management. Training and
116 certification must be coordinated by the department and the
117 training must be conducted jointly by the department and the
118 Department of Financial Services. Training must promote best
119 practices and procedures related to negotiating, managing, and
120 ensuring accountability in agency contracts and grant
121 agreements, which must include the use of case studies based
122 upon previous audits, contracts, and grant agreements.

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128 **D I R E C T O R Y A M E N D M E N T**

129 Remove line 482 and insert:

130 (3), (10), (12), (13), (16), and (22) of section 287.057,

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T I T L E A M E N D M E N T

Remove lines 73-81 and insert:

Requiring the department, in consultation with the Chief
Financial Officer to maintain a program for online procurement
of commodities and contractual services; providing training
requirements for contract managers responsible for contracts in
excess of a specified threshold amount; providing contract
manager certification for contract managers responsible for
contracts in excess of a specified threshold amount; providing
that the Department of management Services is responsible for
establishing and disseminating the requirements for
certification of a contract manager; providing that training
will be conducted jointly by the Department of Management
Services and the Department of Financial Services; providing
training guidelines and requirements; amending s.