

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 call-center services  
 5           to be staffed by persons located within the United  
 6           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, 2013.