

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Government Operations
 2 Subcommittee

3 Representative Cummings offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 101-194 and insert:

7 9. To an independent special district if the governing
 8 board of the independent special district ~~local government~~
 9 complies with all of the requirements of this subparagraph,
 10 conducts a public meeting under s. 286.011 after public notice,
 11 and finds by majority vote of the governing board that it is in
 12 the public's best interest to perform the project using its own
 13 services, employees, and equipment. The public notice must be
 14 published at least 21 days before the date of the public meeting
 15 at which the governing board takes final action. The notice must
 16 identify the project, the components and scope of the work, and
 17 the estimated cost of the project using generally accepted cost-
 18 accounting principles that fully account for all costs
 19 associated with performing and completing the work, including
 20 employee compensation and benefits, equipment cost and

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21 maintenance, insurance costs, and materials. The notice must
22 specify that the purpose for the public meeting is to consider
23 whether it is in the public's best interest to perform the
24 project using the independent special district's ~~local~~
25 ~~government's~~ own services, employees, and equipment. Upon
26 publication of the public notice and for 21 days thereafter, the
27 independent special district ~~local government~~ shall make
28 available for public inspection, during normal business hours
29 and at a location specified in the public notice, a detailed
30 itemization of each component of the estimated cost of the
31 project and documentation explaining the methodology used to
32 arrive at the estimated cost. At the public meeting, any
33 qualified contractor or vendor who could have been awarded the
34 project had the project been competitively bid shall be provided
35 with a reasonable opportunity to present evidence to the
36 governing board regarding the project and the accuracy of the
37 independent special district's ~~local government's~~ estimated cost
38 of the project. In deciding whether it is in the public's best
39 interest for the independent special district ~~local government~~
40 to perform a project using its own services, employees, and
41 equipment, the governing board must consider the estimated cost
42 of the project and the accuracy of the estimated cost in light
43 of any other information that may be presented at the public
44 meeting and whether the project requires an increase in the
45 number of district ~~government~~ employees or an increase in
46 capital expenditures for public facilities, equipment, or other
47 capital assets. The independent special district ~~local~~
48 ~~government~~ may further consider the impact on local economic

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49 development, the impact on small and minority business owners,
50 the impact on state and local tax revenues, whether the private
51 sector contractors provide health insurance and other benefits
52 equivalent to those provided by the independent special district
53 ~~local government~~, and any other factor relevant to what is in
54 the public's best interest.

55 10. If the governing board of the local government
56 determines upon consideration of specific substantive criteria
57 that it is in the best interest of the local government to award
58 the project to an appropriately licensed private sector
59 contractor pursuant to administrative procedures established by
60 and expressly set forth in a charter, ordinance, or resolution
61 of the local government adopted before July 1, 1994. The
62 criteria and procedures must be set out in the charter,
63 ordinance, or resolution and must be applied uniformly by the
64 local government to avoid awarding a project in an arbitrary or
65 capricious manner. This exception applies only if all of the
66 following occur:

67 a. The governing board of the local government, after
68 public notice, conducts a public meeting under s. 286.011 and
69 finds by a two-thirds vote of the governing board that it is in
70 the public's best interest to award the project according to the
71 criteria and procedures established by charter, ordinance, or
72 resolution. The public notice must be published at least 14 days
73 before the date of the public meeting at which the governing
74 board takes final action. The notice must identify the project,
75 the estimated cost of the project, and specify that the purpose
76 for the public meeting is to consider whether it is in the

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77 public's best interest to award the project using the criteria
78 and procedures permitted by the preexisting charter, ordinance,
79 or resolution.

80 b. The project is to be awarded by any method other than a
81 competitive selection process, and the governing board finds
82 evidence that:

83 (I) There is one appropriately licensed contractor who is
84 uniquely qualified to undertake the project because that
85 contractor is currently under contract to perform work that is
86 affiliated with the project; or

87 (II) The time to competitively award the project will
88 jeopardize the funding for the project, materially increase the
89 cost of the project, or create an undue hardship on the public
90 health, safety, or welfare.

91 c. The project is to be awarded by any method other than a
92 competitive selection process, and the published notice clearly
93 specifies the ordinance or resolution by which the private
94 sector contractor will be selected and the criteria to be
95 considered.

96 d. The project is to be awarded by a method other than a
97 competitive selection process, and the architect or engineer of
98 record has provided a written recommendation that the project be
99 awarded to the private sector contractor without competitive
100 selection, and the consideration by, and the justification of,
101 the government body are documented, in writing, in the project
102 file and are presented to the governing board prior to the
103 approval required in this paragraph.

104 11. To projects subject to chapter 36.

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

Remove lines 4-6 and insert:
removing an exemption for certain local government entities from
the requirement to competitively award certain contracts for
public construction works; providing an effective