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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2014	.	
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The Committee on Governmental Oversight and Accountability  
(Hays) recommended the following:

**Senate Amendment (with title amendment)**

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2  
3 Before line 27  
4 insert:

5 Section 1. Paragraph (a) of subsection (14) of section  
6 215.985, Florida Statutes, is amended to read:

7 215.985 Transparency in government spending.—

8 (14) The Chief Financial Officer shall establish and  
9 maintain a secure contract tracking system available for viewing  
10 and downloading by the public through a secure website. The



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11 Chief Financial Officer shall use appropriate Internet security  
12 measures to ensure that no person has the ability to alter or  
13 modify records available on the website.

14 (a) Within 30 calendar days after executing a contract,  
15 each state entity shall post the following information relating  
16 to the contract on the contract tracking system:

17 1. The names of the contracting entities.

18 2. The procurement method.

19 3. The contract beginning and ending dates.

20 4. The nature or type of the commodities or services  
21 purchased.

22 5. Applicable contract unit prices and deliverables.

23 6. Total compensation to be paid or received under the  
24 contract.

25 7. All payments made to the contractor to date.

26 8. Applicable contract performance measures.

27 9. If a competitive solicitation was not used to procure  
28 the goods or services, the justification of such action,  
29 including citation to a statutory exemption or exception from  
30 competitive solicitation, if any.

31 10. Electronic copies of the contract and procurement  
32 documents that have been redacted to exclude confidential or  
33 exempt information.

34 11. Whether the contractor was listed on the vendor  
35 complaint list, suspended vendor list, or terminated vendor list  
36 under s. 287.1335 at the time the contract was initially entered  
37 into.

38 Section 2. Section 287.1335, Florida Statutes, is created  
39 to read:



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40           287.1335 Vendors; reporting by agencies and local  
41 governmental entities.—

42           (1) As used in this section, the term:

43           (a) "Suspended vendor list" means a list compiled by the  
44 department of all reported vendors whose ability to bid or  
45 perform state or local government contracts has been temporarily  
46 suspended by an agency or a participating local governmental  
47 entity due to a contract default by the vendor or for other good  
48 cause.

49           (b) "Terminated vendor list" means a list compiled by the  
50 department of all reported vendors whose contracts have been  
51 terminated by an agency or a participating local governmental  
52 entity due to a contract default by the vendor or for other good  
53 cause.

54           (c) "Vendor" means an entity or person in a contractual  
55 relationship with an agency or a local governmental entity.

56           (d) "Vendor complaint list" means a list compiled by the  
57 department of complaints that have been issued to vendors by an  
58 agency or participating local governmental entity.

59           (2) An agency shall provide the department with copies of  
60 complaints issued to vendors and the names of suspended and  
61 terminated vendors for the vendor complaint list, the suspended  
62 vendor list, and the terminated vendor list, respectively. A  
63 local governmental entity may provide such information to the  
64 department.

65           (3) The department shall maintain and update, on its  
66 website, the vendor complaint list, the suspended vendor list,  
67 and the terminated vendor list. In addition, the department  
68 shall provide public access through its website of copies of



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69 complaints issued to a vendor by an agency or participating  
70 local governmental entity.

71 (4) An agency shall provide the department each quarter  
72 with updated information necessary to maintain the vendor  
73 complaint list, the suspended vendor list, and the terminated  
74 vendor list. A local governmental entity may provide such  
75 information to the department each quarter. An agency shall  
76 report to the department all instances of a material breach of a  
77 contract or a notice of default and subsequent termination  
78 within 30 days after such occurrence.

79 (5) (a) An agency shall require that a vendor responding to  
80 a competitive solicitation disclose whether the vendor has,  
81 within the previous 5 years, had a contract terminated by a  
82 federal, state, or local governmental entity after defaulting on  
83 a contract; paid a fine or penalty incurred by nonperformance of  
84 a federal, state, or local government contract; or entered into  
85 an agreement with a federal, state, or local governmental entity  
86 in settlement of any issues related to default or nonperformance  
87 of a contract. An agency may consider a vendor's failure to  
88 disclose such information in determining whether the vendor is  
89 in breach of any resulting contract.

90 (b) A local governmental entity may require such  
91 disclosures from a vendor in response to a competitive  
92 solicitation.

93 (6) When evaluating bids, proposals, or replies to  
94 competitive solicitations, an agency must consider information  
95 available on the vendor complaint list, suspended vendor list,  
96 and terminated vendor list in determining whether the vendor  
97 submitting a response to the competitive solicitation is a



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98 responsible and responsive vendor. If an agency enters into a  
99 contract with a vendor on the vendor complaint list, suspended  
100 vendor list, or terminated vendor list, the contract file must  
101 contain documentation specifying that the agency's designee with  
102 authority to sign the contract was aware that the contracted  
103 vendor was named on the vendor complaint list, suspended vendor  
104 list, or terminated vendor list at the time the contract was  
105 initially entered into.

106  
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete lines 2 - 3

110 and insert:

111 An act relating to government contracting; amending s.  
112 215.985, F.S.; revising information to be posted on  
113 the Chief Financial Officer's contract tracking system  
114 to conform to changes made by the act; amending s.  
115 287.1335, F.S.; defining terms; requiring agencies to  
116 provide the Department of Management Services with  
117 copies of vendor complaints and names of suspended and  
118 terminated vendors; authorizing local governmental  
119 entities to provide such information to the  
120 department; requiring the department to maintain  
121 certain information regarding vendors on its website;  
122 requiring an agency to submit specified information to  
123 the department on a quarterly basis; authorizing a  
124 local governmental entity to submit such information  
125 on the same basis; requiring a vendor responding to an  
126 agency's competitive solicitation to disclose certain



127 information; specifying certain requirements for  
128 considering a response to a competitive solicitation  
129 or entering a contract; amending s. 287.084, F.S.;  
130 expanding