

By Senator Latvala

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1 A bill to be entitled

2 An act relating to state contracting; amending s.  
3 287.057, F.S.; revising the criteria for evaluating a  
4 proposal to include consideration of prior relevant  
5 experience of the vendor; revising the criteria for  
6 evaluating a response to an agency's invitation to  
7 negotiate to include consideration of prior relevant  
8 experience of the vendor; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (1) of section 287.057, Florida  
13 Statutes, is amended to read:

14 287.057 Procurement of commodities or contractual  
15 services.—

16 (1) The competitive solicitation processes authorized in  
17 this section shall be used for procurement of commodities or  
18 contractual services in excess of the threshold amount provided  
19 for CATEGORY TWO in s. 287.017. Any competitive solicitation  
20 shall be made available simultaneously to all vendors, must  
21 include the time and date for the receipt of bids, proposals, or  
22 replies and of the public opening, and must include all  
23 contractual terms and conditions applicable to the procurement,  
24 including the criteria to be used in determining acceptability  
25 and relative merit of the bid, proposal, or reply.

26 (a) *Invitation to bid.*—The invitation to bid shall be used  
27 when the agency is capable of specifically defining the scope of  
28 work for which a contractual service is required or when the  
29 agency is capable of establishing precise specifications

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30 defining the actual commodity or group of commodities required.

31 1. All invitations to bid must include:

32 a. A detailed description of the commodities or contractual  
33 services sought; and

34 b. If the agency contemplates renewal of the contract, a  
35 statement to that effect.

36 2. Bids submitted in response to an invitation to bid in  
37 which the agency contemplates renewal of the contract must  
38 include the price for each year for which the contract may be  
39 renewed.

40 3. Evaluation of bids must include consideration of the  
41 total cost for each year of the contract, including renewal  
42 years, as submitted by the vendor.

43 4. The contract shall be awarded to the responsible and  
44 responsive vendor who submits the lowest responsive bid.

45 (b) *Request for proposals.*—An agency shall use a request  
46 for proposals when the purposes and uses for which the  
47 commodity, group of commodities, or contractual service being  
48 sought can be specifically defined and the agency is capable of  
49 identifying necessary deliverables. Various combinations or  
50 versions of commodities or contractual services may be proposed  
51 by a responsive vendor to meet the specifications of the  
52 solicitation document.

53 1. Before issuing a request for proposals, the agency must  
54 determine and specify in writing the reasons that procurement by  
55 invitation to bid is not practicable.

56 2. All requests for proposals must include:

57 a. A statement describing the commodities or contractual  
58 services sought;

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59           b. The relative importance of price and other evaluation  
60 criteria; and

61           c. If the agency contemplates renewal of the contract, a  
62 statement to that effect.

63           3. Criteria that will be used for evaluation of proposals  
64 must ~~shall~~ include, but are not limited to:

65           a. Price, which must be specified in the proposal;

66           b. If the agency contemplates renewal of the contract, the  
67 price for each year for which the contract may be renewed; ~~and~~

68           c. Consideration of the total cost for each year of the  
69 contract, including renewal years, as submitted by the vendor;  
70 and-

71           d. Consideration of prior relevant experience of the  
72 vendor.

73           4. The contract shall be awarded by written notice to the  
74 responsible and responsive vendor whose proposal is determined  
75 in writing to be the most advantageous to the state, taking into  
76 consideration the price and other criteria set forth in the  
77 request for proposals. The contract file shall contain  
78 documentation supporting the basis on which the award is made.

79           (c) *Invitation to negotiate.*—The invitation to negotiate is  
80 a solicitation used by an agency which is intended to determine  
81 the best method for achieving a specific goal or solving a  
82 particular problem and identifies one or more responsive vendors  
83 with which the agency may negotiate in order to receive the best  
84 value.

85           1. Before issuing an invitation to negotiate, the head of  
86 an agency must determine and specify in writing the reasons that  
87 procurement by an invitation to bid or a request for proposal is

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88 not practicable.

89 2. The invitation to negotiate must describe the questions  
90 being explored, the facts being sought, and the specific goals  
91 or problems that are the subject of the solicitation.

92 3. The criteria that will be used for determining the  
93 acceptability of the reply and guiding the selection of the  
94 vendors with which the agency will negotiate must be specified.  
95 The evaluation criteria must include consideration of prior  
96 relevant experience of the vendor.

97 4. The agency shall evaluate replies against all evaluation  
98 criteria set forth in the invitation to negotiate in order to  
99 establish a competitive range of replies reasonably susceptible  
100 of award. The agency may select one or more vendors within the  
101 competitive range with which to commence negotiations. After  
102 negotiations are conducted, the agency shall award the contract  
103 to the responsible and responsive vendor that the agency  
104 determines will provide the best value to the state, based on  
105 the selection criteria.

106 5. The contract file for a vendor selected through an  
107 invitation to negotiate must contain a short plain statement  
108 that explains the basis for the selection of the vendor and that  
109 sets forth the vendor's deliverables and price, pursuant to the  
110 contract, along with an explanation of how these deliverables  
111 and price provide the best value to the state.

112 Section 2. This act shall take effect July 1, 2014.