



842196

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/27/2015 03:09 PM

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Senator Abruzzo moved the following:

Senate Amendment (with title amendment)

Between lines 305 and 306

insert:

Section 3. Paragraph (n) is added to subsection (6) of section 376.3071, Florida Statutes, to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(6) CONTRACTING AND CONTRACTOR SELECTION REQUIREMENTS.—

(n) Contracts for five site rehabilitation jobs on sites with concentrations of chemicals of concern which exceed the



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12 default concentrations for natural attenuation must be awarded
13 to proven innovative technology contractors. The department must
14 award contracts under this paragraph for projects that are time-
15 sensitive and for reasons of economic development and job
16 creation.

17 1. As used in this paragraph, the term "proven innovative
18 technology contractor" means a contractor who is on the
19 qualified contractor list and meets the following criteria:

20 a. Has an approved and accepted innovative technology; and

21 b. Has used the innovative technology on a minimum of 3
22 rehabilitation sites in the last 5 years to achieve groundwater
23 cleanup target levels. The groundwater cleanup target levels
24 must have been achieved within 12 months. Each site must have
25 had initial concentrations of chemicals of concern which
26 exceeded the default concentrations for natural attenuation.

27 2. Contract awards are exempt from the competitive
28 procurement requirements provided in chapter 287, and all awards
29 must be negotiated through a performance-based contract.

30 3. Costs must be evaluated and negotiated based on
31 projected itemized costs using the contractor's innovative
32 technology or comparatively using conventional technology costs.
33 All cost analyses must include the total cost to achieve a site
34 rehabilitation completion order.

35 4. Upon achievement of groundwater cleanup target levels at
36 each rehabilitation site, a new job shall be awarded to the
37 proven innovative technology contractor.

38 5. This paragraph does not preclude a proven innovative
39 technology contractor from eligibility to bid on jobs for which
40 the responsible party has a cost-sharing agreement with the



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41 program.

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

44 And the title is amended as follows:

45 Delete line 16

46 and insert:

47 alternative cleanup target levels; amending s.
48 376.3071, F.S.; requiring the department to award
49 contracts for five site rehabilitation jobs to proven
50 innovative technology contractors; defining the term
51 "proven innovative technology contractor"; exempting
52 contracts from competitive procurement requirements;
53 amending s. 376.79,