

HB 615

2015

1 A bill to be entitled
2 An act relating to electronic auction services;
3 amending s. 287.012, F.S.; defining the term
4 "electronic auction services"; amending s. 287.057,
5 F.S.; authorizing the Department of Management
6 Services to implement procedures and adopt rules
7 regarding electronic auction services; authorizing the
8 department to collect fees for use of such services;
9 amending ss. 1006.27 and 1010.04, F.S.; authorizing
10 the Department of Education, district school boards,
11 and the Board of Governors of the State University
12 System, respectively, to implement the use of
13 electronic auction services and other procurement
14 methods; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsections (10) through (29) of section
19 287.012, Florida Statutes, are renumbered as subsections (11)
20 through (30), respectively, present subsection (11) is amended,
21 and a new subsection (10) is added to that section, to read:

22 287.012 Definitions.—As used in this part, the term:

23 (10) "Electronic auction services" means a procurement
24 conducted on a centralized website using third party software,
25 jointly managed by an approved vendor and an agency or
26 governmental entity, and using the procurement process set forth

27 | in s. 287.057 or other authorized means of obtaining competitive
 28 | prices in an auction environment.

29 | (12)~~(11)~~ "Eligible user" means any person or entity
 30 | authorized by the department pursuant to rule to purchase from
 31 | state term contracts or to use the online procurement system and
 32 | electronic auction services.

33 | Section 2. Subsection (22) of section 287.057, Florida
 34 | Statutes, is amended to read:

35 | 287.057 Procurement of commodities or contractual
 36 | services.—

37 | (22) The department, in consultation with the Chief
 38 | Financial Officer and the Agency for State Technology, shall
 39 | maintain a program for online procurement of commodities and
 40 | contractual services, including electronic auction services. To
 41 | enable the state to promote open competition and leverage its
 42 | buying power, agencies shall participate in the online
 43 | procurement program and electronic auction services, and
 44 | eligible users may participate in the program. Only vendors
 45 | prequalified as meeting mandatory requirements and
 46 | qualifications criteria may participate in online procurement.

47 | (a) The department, in consultation with the Agency for
 48 | State Technology and in compliance with the standards of the
 49 | agency, may contract for equipment and services necessary to
 50 | develop and implement online procurement and electronic auction
 51 | services.

52 | (b) The department shall adopt rules to administer the

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53 program for online procurement and electronic auction services.

54 The rules must include, but not be limited to:

55 1. Determining the requirements and qualification criteria
56 for prequalifying vendors.

57 2. Establishing the procedures for conducting online
58 procurement and pricing events via electronic auction services.

59 3. Establishing the criteria for eligible commodities and
60 contractual services.

61 4. Establishing the procedures for providing access to
62 online procurement and pricing events via electronic auction
63 services.

64 5. Determining the criteria warranting any exceptions to
65 participation in the online procurement program and pricing
66 events via electronic auction services.

67 (c) The department may impose and shall collect all fees
68 for the use of the online procurement systems and electronic
69 auction services.

70 1. The fees may be imposed on an individual transaction
71 basis or as a fixed percentage of the cost savings generated. At
72 a minimum, the fees must be set in an amount sufficient to cover
73 the projected costs of the services, including administrative
74 and project service costs in accordance with the policies of the
75 department.

76 2. If the department contracts with a provider for online
77 procurement, the department, pursuant to appropriation, shall
78 compensate the provider from the fees after the department has

79 satisfied all ongoing costs. The provider shall report
80 transaction data to the department each month so that the
81 department may determine the amount due and payable to the
82 department from each vendor.

83 3. All fees that are due and payable to the state on a
84 transactional basis or as a fixed percentage of the cost savings
85 generated are subject to s. 215.31 and must be remitted within
86 40 days after receipt of payment for which the fees are due. For
87 fees that are not remitted within 40 days, the vendor shall pay
88 interest at the rate established under s. 55.03(1) on the unpaid
89 balance from the expiration of the 40-day period until the fees
90 are remitted.

91 4. All fees and surcharges collected under this paragraph
92 shall be deposited in the Operating Trust Fund as provided by
93 law.

94 Section 3. Subsection (1) of section 1006.27, Florida
95 Statutes, is amended to read:

96 1006.27 Pooling of school buses and related purchases by
97 district school boards; transportation services contracts.-

98 (1) The department shall assist district school boards in
99 securing school buses, contractual needs, equipment, and
100 supplies at as reasonable prices as possible by providing a plan
101 under which district school boards may voluntarily pool their
102 bids for such purchases. The department shall prepare bid forms
103 and specifications, obtain quotations of prices and make such
104 information available to district school boards in order to

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105 facilitate this service and use electronic auction services, as
106 defined in s. 287.012, or other efficient procurement tools.

107 District school boards may also use electronic auction services
108 or other efficient procurement tools for such purchases.

109 District school boards from time to time, as prescribed by State
110 Board of Education rule, shall furnish the department with
111 information concerning the prices paid for such items and the
112 department shall furnish to district school boards periodic
113 information concerning the lowest prices at which school buses,
114 equipment, and related supplies are available based upon
115 comparable specifications.

116 Section 4. Paragraph (b) of subsection (4) of section
117 1010.04, Florida Statutes, is amended to read:

118 1010.04 Purchasing.—

119 (4)

120 (b) The Board of Governors may, by regulation, provide for
121 alternative procedures, such as electronic auction services, as
122 defined in s. 287.012, or other electronic procurement tools,
123 for state universities for bidding or purchasing in cases in
124 which the character of the item requested renders competitive
125 bidding impractical.

126 Section 5. This act shall take effect July 1, 2015.