

By Senator Smith

31-00934-16

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1 A bill to be entitled
2 An act relating to state contracts; amending s.
3 287.058, F.S.; requiring all state contracts in excess
4 of a certain amount to require that call-center
5 services be staffed by persons located within the
6 United States; providing an effective date.

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

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10 Section 1. Subsection (1) of section 287.058, Florida
11 Statutes, is amended to read:

12 287.058 Contract document.—

13 (1) A ~~Every~~ procurement of contractual services in excess
14 of the threshold amount provided under ~~in~~ s. 287.017 for
15 CATEGORY TWO, except for ~~the providing of~~ health and mental
16 health services or drugs in the examination, diagnosis, or
17 treatment of sick or injured state employees or ~~the providing of~~
18 other benefits as required by chapter 440, must ~~shall~~ be
19 evidenced by a written agreement embodying all provisions and
20 conditions for ~~of~~ the procurement of such services. As
21 applicable, the agreement must, ~~which shall, where applicable,~~
22 include, but need not be limited to, a provision:

23 (a) Requiring that bills for fees or other compensation for
24 services or expenses be submitted in detail sufficient for a
25 proper preaudit and postaudit ~~thereof~~.

26 (b) Requiring that bills for any travel expenses be
27 submitted in accordance with s. 112.061. A state agency may
28 establish rates lower than the maximum provided in s. 112.061.

29 (c) Requiring all call-center services provided pursuant to

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30 the contract to be staffed by persons located within the United
31 States. This requirement also applies to all call-center
32 services performed by a subcontractor pursuant to the contract.

33 (d)~~(e)~~ Allowing unilateral cancellation by the agency for
34 refusal by the contractor to allow public access to all
35 documents, papers, letters, or other material made or received
36 by the contractor in conjunction with the contract, unless the
37 records are exempt from s. 24(a) of Art. I of the State
38 Constitution and s. 119.07(1).

39 (e)~~(d)~~ Specifying a scope of work which ~~that~~ clearly
40 establishes all tasks the contractor is required to perform.

41 (f)~~(e)~~ Dividing the contract into quantifiable, measurable,
42 and verifiable units of deliverables which ~~that~~ must be received
43 and accepted in writing by the contract manager before payment.
44 Each deliverable must be directly related to the scope of work
45 and specify a performance measure. As used in this paragraph,
46 the term "performance measure" means the required minimum
47 acceptable level of service to be performed and criteria for
48 evaluating the successful completion of each deliverable.

49 (g)~~(f)~~ Specifying the criteria and the final date by which
50 such criteria must be met for completion of the contract.

51 (h)~~(g)~~ Specifying that the contract may be renewed for up
52 to a period that may not exceed 3 years or the term of the
53 original contract, whichever is longer, specifying the renewal
54 price for the contractual service as set forth in the bid,
55 proposal, or reply, specifying that costs for the renewal may
56 not be charged, and specifying that renewals are contingent upon
57 satisfactory performance evaluations by the agency and subject
58 to the availability of funds. Exceptional purchase contracts

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59 pursuant to s. 287.057(3)(a) and (c) may not be renewed.

60 (i)~~(h)~~ Specifying the financial consequences that the
61 agency must apply if the contractor fails to perform in
62 accordance with the contract.

63 (j)~~(i)~~ Addressing the property rights of any intellectual
64 property related to the contract and the specific rights of the
65 state regarding the intellectual property if the contractor
66 fails to provide the services or is no longer providing
67 services.

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69 In lieu of a written agreement, the agency may authorize the use
70 of a purchase order for classes of contractual services if the
71 provisions of paragraphs (a)-(j) ~~(a)-(i)~~ are included in the
72 purchase order or solicitation. The purchase order must include,
73 but need not be limited to, an adequate description of the
74 services, the contract period, and the method of payment. In
75 lieu of printing the provisions of paragraphs (a)-(d) ~~(a)-(e)~~
76 and (h) ~~(g)~~ in the contract document or purchase order, agencies
77 may incorporate the requirements of those paragraphs ~~(a)-(e)~~ and
78 ~~(g)~~ by reference.

79 Section 2. This act shall take effect July 1, 2016.