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LEGISLATIVE ACTION

Senate

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House

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The Committee on Commerce and Tourism (Lee) recommended the following:

**Senate Amendment to Amendment (110576)**

Between lines 4 and 5

insert:

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

287.058 Contract document.—

(1) Every procurement of contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except for the providing of health and mental health services or



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11 drugs in the examination, diagnosis, or treatment of sick or  
12 injured state employees or the providing of other benefits as  
13 required by chapter 440, shall be evidenced by a written  
14 agreement embodying all provisions and conditions of the  
15 procurement of such services, which shall, where applicable,  
16 include, but not be limited to, a provision:

17 (a) That bills for fees or other compensation for services  
18 or expenses be submitted in detail sufficient for a proper  
19 preaudit and postaudit thereof.

20 (b) That bills for any travel expenses be submitted in  
21 accordance with s. 112.061. A state agency may establish rates  
22 lower than the maximum provided in s. 112.061.

23 (c) Allowing unilateral cancellation by the agency for  
24 refusal by the contractor to allow public access to all  
25 documents, papers, letters, or other material made or received  
26 by the contractor in conjunction with the contract, unless the  
27 records are exempt from s. 24(a) of Art. I of the State  
28 Constitution and s. 119.07(1).

29 (d) Specifying a scope of work that clearly establishes all  
30 tasks the contractor is required to perform.

31 (e) Dividing the contract into quantifiable, measurable,  
32 and verifiable units of deliverables that must be received and  
33 accepted in writing by the contract manager before payment. Each  
34 deliverable must be directly related to the scope of work and  
35 specify a performance measure. As used in this paragraph, the  
36 term "performance measure" means the required minimum acceptable  
37 level of service to be performed and criteria for evaluating the  
38 successful completion of each deliverable.

39 (f) Specifying the criteria and the final date by which



40 such criteria must be met for completion of the contract.

41 (g) Specifying that the contract may be renewed for a  
42 period that may not exceed 3 years or the term of the original  
43 contract, whichever is longer, specifying the renewal price for  
44 the contractual service as set forth in the bid, proposal, or  
45 reply, specifying that costs for the renewal may not be charged,  
46 and specifying that renewals are contingent upon satisfactory  
47 performance evaluations by the agency and subject to the  
48 availability of funds. Exceptional purchase contracts pursuant  
49 to s. 287.057(3) (a) and (c) may not be renewed.

50 (h) Specifying the financial consequences that the agency  
51 must apply if the contractor fails to perform in accordance with  
52 the contract.

53 (i) Addressing the property rights of any intellectual  
54 property related to the contract and the specific rights of the  
55 state regarding the intellectual property if the contractor  
56 fails to provide the services or is no longer providing  
57 services.

58 (j) Requiring a contractor or any subcontractor performing  
59 a portion of the contract to register with and use an employment  
60 verification system to the extent required by s. 287.137 for all  
61 new employees hired in this state during the term of the  
62 contract.

63  
64 In lieu of a written agreement, the agency may authorize the use  
65 of a purchase order for classes of contractual services if the  
66 provisions of paragraphs (a)-(i) are included in the purchase  
67 order or solicitation. The purchase order must include, but need  
68 not be limited to, an adequate description of the services, the



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69 contract period, and the method of payment. In lieu of printing  
70 the provisions of paragraphs (a)-(c) and (g) in the contract  
71 document or purchase order, agencies may incorporate the  
72 requirements of paragraphs (a)-(c) and (g) by reference.

73 Section 2. Section 287.137, Florida Statutes, is created to  
74 read: