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CS/CS/HB 1137

2021 Legislature

1
2 An act relating to information technology procurement;
3 amending s. 282.0051, F.S.; requiring the Department
4 of Management Services, through the Florida Digital
5 Service, to establish certain project management and
6 oversight standards for state agency compliance;
7 requiring the department to perform project oversight
8 on information technology projects that have total
9 project costs of a certain amount or more; requiring
10 the information technology policy for certain state
11 contracts established by the Florida Digital Service
12 to include certain requirements for certain contracts
13 and information technology projects; providing
14 requirements for information technology projects that
15 have a total project cost over a certain amount;
16 amending s. 287.0591, F.S.; removing obsolete
17 language; authorizing the department to execute
18 certain contracts if the Secretary of Management
19 Services and the state chief information officer
20 certify certain information in writing; requiring an
21 agency to issue a request for quote to certain vendors
22 approved to provide certain commodities or services in
23 certain circumstances; requiring the department to
24 prequalify firms and individuals to provide certain
25 services on state term contract by a certain date;

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26 requiring the department to consider certain
27 information in order to prequalify a firm or
28 individual; providing for the disqualification of a
29 firm or individual from state term contract
30 eligibility; authorizing a prequalified firm or
31 individual to respond to certain requests for quotes;
32 providing an effective date.

33

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

35

36 Section 1. Paragraphs (c), (n), and (q) of subsection (1)
37 and subsection (4) of section 282.0051, Florida Statutes, are
38 amended to read:

39 282.0051 Department of Management Services; Florida
40 Digital Service; powers, duties, and functions.—

41 (1) The Florida Digital Service has been created within
42 the department to propose innovative solutions that securely
43 modernize state government, including technology and information
44 services, to achieve value through digital transformation and
45 interoperability, and to fully support the cloud-first policy as
46 specified in s. 282.206. The department, through the Florida
47 Digital Service, shall have the following powers, duties, and
48 functions:

49 (c) Establish project management and oversight standards
50 with which state agencies must comply when implementing

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51 information technology projects. The department, acting through
52 the Florida Digital Service, shall provide training
53 opportunities to state agencies to assist in the adoption of the
54 project management and oversight standards. To support data-
55 driven decisionmaking, the standards must include, but are not
56 limited to:

57 1. Performance measurements and metrics that objectively
58 reflect the status of an information technology project based on
59 a defined and documented project scope, cost, and schedule.

60 2. Methodologies for calculating acceptable variances in
61 the projected versus actual scope, schedule, or cost of an
62 information technology project.

63 3. Reporting requirements, including requirements designed
64 to alert all defined stakeholders that an information technology
65 project has exceeded acceptable variances defined and documented
66 in a project plan.

67 4. Content, format, and frequency of project updates.

68 5. Technical standards to ensure an information technology
69 project complies with the enterprise architecture.

70 (n)1. Notwithstanding any other law, provide project
71 oversight on any information technology project of the
72 Department of Financial Services, the Department of Legal
73 Affairs, and the Department of Agriculture and Consumer Services
74 which has a total project cost of \$20 ~~\$25~~ million or more ~~and~~
75 ~~which impacts one or more other agencies.~~ Such information

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76 | technology projects must also comply with the applicable
77 | information technology architecture, project management and
78 | oversight, and reporting standards established by the
79 | department, acting through the Florida Digital Service.

80 | 2. When performing the project oversight function
81 | specified in subparagraph 1., report at least quarterly to the
82 | Executive Office of the Governor, the President of the Senate,
83 | and the Speaker of the House of Representatives on any
84 | information technology project that the department, acting
85 | through the Florida Digital Service, identifies as high-risk due
86 | to the project exceeding acceptable variance ranges defined and
87 | documented in the project plan. The report shall include a risk
88 | assessment, including fiscal risks, associated with proceeding
89 | to the next stage of the project and a recommendation for
90 | corrective actions required, including suspension or termination
91 | of the project.

92 | (q)1. Establish an information technology policy for all
93 | information technology-related state contracts, including state
94 | term contracts for information technology commodities,
95 | consultant services, and staff augmentation services. The
96 | information technology policy must include:

97 | a. Identification of the information technology product
98 | and service categories to be included in state term contracts.

99 | b. Requirements to be included in solicitations for state
100 | term contracts.

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- 101 c. Evaluation criteria for the award of information
 102 technology-related state term contracts.
- 103 d. The term of each information technology-related state
 104 term contract.
- 105 e. The maximum number of vendors authorized on each state
 106 term contract.
- 107 f. At a minimum, a requirement that any contract for
 108 information technology commodities or services meet the National
 109 Institute of Standards and Technology Cybersecurity Framework.
- 110 g. For an information technology project wherein project
 111 oversight is required pursuant to paragraph (d) or paragraph
 112 (n), a requirement that independent verification and validation
 113 be employed throughout the project lifecycle with the primary
 114 objective of independent verification and validation being to
 115 provide an objective assessment of products and processes
 116 throughout the project lifecycle. An entity providing
 117 independent verification and validation may not have technical,
 118 managerial, or financial interest in the project and may not
 119 have responsibility for, or participate in, any other aspect of
 120 the project.
- 121 2. Evaluate vendor responses for information technology-
 122 related state term contract solicitations and invitations to
 123 negotiate.
- 124 3. Answer vendor questions on information technology-
 125 related state term contract solicitations.

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126 4. Ensure that the information technology policy
 127 established pursuant to subparagraph 1. is included in all
 128 solicitations and contracts that are administratively executed
 129 by the department.

130 (4) For information technology projects that have a total
 131 project cost of \$10 million or more ~~Upon the adoption of the~~
 132 ~~enterprise architecture standards in rule, the department,~~
 133 ~~acting through the Florida Digital Service, may develop a~~
 134 ~~process to:~~

135 (a) State agencies must provide the Florida Digital
 136 Service with ~~Receive~~ written notice ~~from the entities within the~~
 137 ~~enterprise~~ of any planned procurement of an information
 138 technology project ~~that is subject to enterprise architecture~~
 139 ~~standards.~~

140 (b) The Florida Digital Service must participate in the
 141 development of specifications and recommend modifications to any
 142 planned procurement of an information technology project by
 143 state agencies so that the procurement complies with the
 144 enterprise architecture.

145 (c) The Florida Digital Service must participate in post-
 146 award contract monitoring.

147 Section 2. Section 287.0591, Florida Statutes, is amended
 148 to read:

149 287.0591 Information technology.—

150 (1) ~~Beginning July 1, 2014,~~ Any competitive solicitation

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151 issued by the department for a state term contract for
152 information technology commodities must include a term that does
153 not exceed 48 months.

154 (2) ~~Beginning September 1, 2015,~~ Any competitive
155 solicitation issued by the department for a state term contract
156 for information technology consultant services or information
157 technology staff augmentation contractual services must include
158 a term that does not exceed 48 months.

159 (3) The department may execute a state term contract for
160 information technology commodities, consultant services, or
161 staff augmentation contractual services that exceeds the 48-
162 month requirement if the Secretary of Management Services and
163 the state chief information officer certify in writing to the
164 Executive Office of the Governor that a longer contract term is
165 in the best interest of the state.

166 (4) If the department issues a competitive solicitation
167 for information technology commodities, consultant services, or
168 staff augmentation contractual services, the Florida Digital
169 Service within the department shall participate in such
170 solicitations.

171 (5) If an agency issues a request for quote to purchase
172 information technology commodities, information technology
173 consultant services, or information technology staff
174 augmentation contractual services from the state term contract,
175 for any contract with 25 approved vendors or fewer, the agency

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176 must issue a request for quote to all vendors approved to
177 provide such commodity or service. For any contract with more
178 than 25 approved vendors, the agency must issue a request for
179 quote to at least 25 of the vendors approved to provide such
180 commodity or contractual service. Use of a request for quote
181 does not constitute a decision or intended decision that is
182 subject to protest under s. 120.57(3).

183 (6) Beginning October 1, 2021, and each October 1
184 thereafter, the department shall prequalify firms and
185 individuals to provide information technology staff augmentation
186 contractual services on state term contract. In order to
187 prequalify a firm or individual for participation on the state
188 term contract, the department must consider, at a minimum, the
189 capability, experience, and past performance record of the firm
190 or individual. A firm or individual removed from the source of
191 supply pursuant to s. 287.042(1)(b) or placed on a disqualified
192 vendor list pursuant to s. 287.133 or s. 287.134 is immediately
193 disqualified from state term contract eligibility. Once a firm
194 or individual has been prequalified to provide information
195 technology staff augmentation contractual services on state term
196 contract, the firm or individual may respond to requests for
197 quotes from an agency to provide such services.

198 Section 3. This act shall take effect July 1, 2021.