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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2021	.	
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The Committee on Governmental Oversight and Accountability  
(Jones) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) The Florida Digital Service has been created within the



11 department to propose innovative solutions that securely  
12 modernize state government, including technology and information  
13 services, to achieve value through digital transformation and  
14 interoperability, and to fully support the cloud-first policy as  
15 specified in s. 282.206. The department, through the Florida  
16 Digital Service, shall have the following powers, duties, and  
17 functions:

18 (c) Establish project management and oversight standards  
19 with which state agencies must comply when implementing  
20 information technology projects. The department, acting through  
21 the Florida Digital Service, shall provide training  
22 opportunities to state agencies to assist in the adoption of the  
23 project management and oversight standards. To support data-  
24 driven decisionmaking, the standards must include, but are not  
25 limited to:

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

29 2. Methodologies for calculating acceptable variances in  
30 the projected versus actual scope, schedule, or cost of an  
31 information technology project.

32 3. Reporting requirements, including requirements designed  
33 to alert all defined stakeholders that an information technology  
34 project has exceeded acceptable variances defined and documented  
35 in a project plan.

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

37 5. Technical standards to ensure an information technology  
38 project complies with the enterprise architecture.

39 (n)1. Notwithstanding any other law, provide project



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40 oversight on any information technology project of the  
41 Department of Financial Services, the Department of Legal  
42 Affairs, and the Department of Agriculture and Consumer Services  
43 which has a total project cost of \$20 ~~\$25~~ million or more ~~and~~  
44 ~~which impacts one or more other agencies~~. Such information  
45 technology projects must also comply with the applicable  
46 information technology architecture, project management and  
47 oversight, and reporting standards established by the  
48 department, acting through the Florida Digital Service.

49       2. When performing the project oversight function specified  
50 in subparagraph 1., report at least quarterly to the Executive  
51 Office of the Governor, the President of the Senate, and the  
52 Speaker of the House of Representatives on any information  
53 technology project that the department, acting through the  
54 Florida Digital Service, identifies as high-risk due to the  
55 project exceeding acceptable variance ranges defined and  
56 documented in the project plan. The report shall include a risk  
57 assessment, including fiscal risks, associated with proceeding  
58 to the next stage of the project and a recommendation for  
59 corrective actions required, including suspension or termination  
60 of the project.

61       (q)1. Establish an information technology policy for all  
62 information technology-related state contracts, including state  
63 term contracts for information technology commodities,  
64 consultant services, and staff augmentation services. The  
65 information technology policy must include:

66           a. Identification of the information technology product and  
67 service categories to be included in state term contracts.

68           b. Requirements to be included in solicitations for state



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69 term contracts.

70 c. Evaluation criteria for the award of information  
71 technology-related state term contracts.

72 d. The term of each information technology-related state  
73 term contract.

74 e. The maximum number of vendors authorized on each state  
75 term contract.

76 f. At a minimum, a requirement that any contract for  
77 information technology commodities or services meet the National  
78 Institute of Standards and Technology Cybersecurity Framework.

79 g. For an information technology project wherein project  
80 oversight is required pursuant to paragraph (d) or paragraph  
81 (n), a requirement that independent verification and validation  
82 be employed throughout the project lifecycle with the primary  
83 objective of independent verification and validation being to  
84 provide an objective assessment of products and processes  
85 throughout the project lifecycle. An entity providing  
86 independent verification and validation may not have technical,  
87 managerial, or financial interest in the project and may not  
88 have responsibility for, or participate in, any other aspect of  
89 the project.

90 2. Evaluate vendor responses for information technology-  
91 related state term contract solicitations and invitations to  
92 negotiate.

93 3. Answer vendor questions on information technology-  
94 related state term contract solicitations.

95 4. Ensure that the information technology policy  
96 established pursuant to subparagraph 1. is included in all  
97 solicitations and contracts that are administratively executed



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98 by the department.

99       (4) For information technology projects that have a total  
100 project cost of over \$10 million ~~Upon the adoption of the~~  
101 ~~enterprise architecture standards in rule, the department,~~  
102 ~~acting through the Florida Digital Service, may develop a~~  
103 ~~process to:~~

104       (a) State agencies must provide the Florida Digital Service  
105 with ~~Receive~~ written notice ~~from the entities within the~~  
106 ~~enterprise~~ of any planned procurement of an information  
107 technology project ~~that is subject to enterprise architecture~~  
108 ~~standards.~~

109       (b) The Florida Digital Service must participate in the  
110 development of specifications and recommend modifications to any  
111 planned procurement of an information technology project by  
112 state agencies so that the procurement complies with the  
113 enterprise architecture.

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

116       Section 2. Section 287.0591, Florida Statutes, is amended  
117 to read:

118       287.0591 Information technology.—

119       (1) ~~Beginning July 1, 2014,~~ Any competitive solicitation  
120 issued by the department for a state term contract for  
121 information technology commodities must include a term that does  
122 not exceed 48 months.

123       (2) ~~Beginning September 1, 2015,~~ Any competitive  
124 solicitation issued by the department for a state term contract  
125 for information technology consultant services or information  
126 technology staff augmentation contractual services must include



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127 a term that does not exceed 48 months.

128 (3) The department may execute a state term contract for  
129 information technology commodities, consultant services, or  
130 staff augmentation contractual services that exceeds the 48-  
131 month requirement if the Secretary of Management Services and  
132 the state chief information officer certify in writing to the  
133 Executive Office of the Governor that a longer contract term is  
134 in the best interest of the state.

135 (4) If the department issues a competitive solicitation for  
136 information technology commodities, consultant services, or  
137 staff augmentation contractual services, the Florida Digital  
138 Service within the department shall participate in such  
139 solicitations.

140 (5) If an agency issues a request for quote to purchase  
141 information technology commodities, information technology  
142 consultant services, or information technology staff  
143 augmentation contractual services from the state term contract,  
144 for any contract with less than 100 vendors, the agency must  
145 issue a request for quote to all vendors approved to provide  
146 such commodities or services. For any contract with more than  
147 100 vendors, the agency must issue a request for quote to at  
148 least 100 of the vendors approved to provide such commodity or  
149 contractual service. Use of a request for quote does not  
150 constitute a decision or intended decision that is subject to  
151 protest under s. 120.57(3).

152 (6) Beginning October 1, 2021, and each October 1  
153 thereafter, the department shall prequalify firms and  
154 individuals to provide information technology staff augmentation  
155 contractual services on state term contract. In order to



156 prequalify a firm or individual for participation on the state  
157 term contract, the department must consider, at a minimum, the  
158 capability, experience, and past performance record of the firm  
159 or individual. A firm or individual removed from the source of  
160 supply pursuant to s. 287.042(1)(b) or placed on a disqualified  
161 vendor list pursuant to s. 287.133 or s. 287.134 is immediately  
162 disqualified from state term contract eligibility. Once a firm  
163 or individual has been prequalified to provide information  
164 technology staff augmentation contractual services on state term  
165 contract, the firm or individual may respond to requests for  
166 quotes from an agency to provide such services.

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

168  
169 ===== T I T L E A M E N D M E N T =====

170 And the title is amended as follows:

171 Delete everything before the enacting clause  
172 and insert:

173 A bill to be entitled  
174 An act relating to information technology procurement;  
175 amending s. 282.0051, F.S.; requiring the Department  
176 of Management Services, through the Florida Digital  
177 Service, to establish certain project management and  
178 oversight standards for state agency compliance;  
179 requiring the department to perform project oversight  
180 on information technology projects that have total  
181 project costs of a certain amount or more; requiring  
182 the information technology policy for certain state  
183 contracts established by the Florida Digital Service  
184 to include certain requirements for certain contracts



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185 and information technology projects; providing  
186 requirements for information technology projects that  
187 have a total project cost over a certain amount;  
188 amending s. 287.0591, F.S.; removing obsolete  
189 language; authorizing the department to execute  
190 certain contracts if the Secretary of Management  
191 Services and the state chief information officer  
192 certify certain information in writing; requiring an  
193 agency to issue a request for quote to certain vendors  
194 approved to provide certain commodities or services in  
195 certain circumstances; requiring the department to  
196 prequalify firms and individuals to provide certain  
197 services on state term contract by a certain date;  
198 requiring the department to consider certain  
199 information in order to prequalify a firm or  
200 individual; providing for the disqualification of a  
201 firm or individual from state term contract  
202 eligibility; authorizing a prequalified firm or  
203 individual to respond to certain requests for quotes;  
204 providing an effective date.