

By Senator Jones

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1 A bill to be entitled
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; providing
10 requirements for information technology projects that
11 have a total project cost greater than a certain
12 amount; amending s. 287.0591, F.S.; removing obsolete
13 language; authorizing the department to execute
14 certain contracts if the Secretary of Management
15 Services and the state chief information officer
16 certify certain information in writing; requiring an
17 agency to issue a request for quotes to all vendors
18 approved to provide certain commodities or services in
19 certain circumstances; requiring the department to
20 prequalify firms and individuals to provide certain
21 services on a state term contract by a certain date;
22 requiring the department to consider certain
23 information in order to prequalify a firm or an
24 individual; providing for the ineligibility of a firm
25 or an individual from state term contracts; providing
26 an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Paragraphs (c), (d), and (n) of subsection (1)
31 and subsection (4) of section 282.0051, Florida Statutes, are
32 amended to read:

33 282.0051 Department of Management Services; Florida Digital
34 Service; powers, duties, and functions.—

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

43 (c) Establish project management and oversight standards
44 with which state agencies must comply when implementing
45 information technology projects. The department, acting through
46 the Florida Digital Service, shall provide training
47 opportunities to state agencies to assist in the adoption of the
48 project management and oversight standards. To support data-
49 driven decisionmaking, the standards must include, but are not
50 limited to:

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

54 2. Methodologies for calculating acceptable variances in
55 the projected versus actual scope, schedule, or cost of an
56 information technology project.

57 3. Reporting requirements, including requirements designed
58 to alert all defined stakeholders that an information technology

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59 project has exceeded acceptable variances defined and documented
60 in a project plan.

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

62 5. Technical standards to ensure that an information
63 technology project complies with the enterprise architecture.

64 (d) Perform project oversight on all state agency
65 information technology projects that have total project costs of
66 \$5 ~~\$10~~ million or more and that are funded in the General
67 Appropriations Act or any other law. The department, acting
68 through the Florida Digital Service, shall report at least
69 quarterly to the Executive Office of the Governor, the President
70 of the Senate, and the Speaker of the House of Representatives
71 on any information technology project that the department
72 identifies as high-risk due to the project exceeding acceptable
73 variance ranges defined and documented in a project plan. The
74 report must include a risk assessment, including fiscal risks,
75 associated with proceeding to the next stage of the project, and
76 a recommendation for corrective actions required, including
77 suspension or termination of the project.

78 (n)1. Notwithstanding any other law, provide project
79 oversight on any information technology project of the
80 Department of Financial Services, the Department of Legal
81 Affairs, and the Department of Agriculture and Consumer Services
82 which has a total project cost of \$20 ~~\$25~~ million or more ~~and~~
83 ~~which impacts one or more other agencies.~~ Such information
84 technology projects must also comply with the applicable
85 information technology architecture, project management and
86 oversight, and reporting standards established by the
87 department, acting through the Florida Digital Service.

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

100 (4) For information technology projects that have a total
101 project cost of more than \$5 million ~~Upon the adoption of the~~
102 ~~enterprise architecture standards in rule, the department,~~
103 ~~acting through the Florida Digital Service, may develop a~~
104 ~~process to:~~

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

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

114 (c) The Florida Digital Service must participate in the
115 formation and negotiation of the contract and in post-award
116 contract monitoring.

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

119 287.0591 Information technology.-

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

124 (2) ~~Beginning September 1, 2015,~~ Any competitive
125 solicitation issued by the department for a state term contract
126 for information technology consultant services or information
127 technology staff augmentation contractual services must include
128 a term that does not exceed 48 months.

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

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

141 (5) If an agency issues a request for quotes to purchase
142 information technology commodities, information technology
143 consultant services, or information technology staff
144 augmentation contractual services from the state term contract,
145 the agency must issue a request for quotes to all vendors

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146 approved to provide such commodities or services. Use of a
147 request for quotes does not constitute a decision or intended
148 decision that is subject to protest under s. 120.57(3).

149 (6) Beginning October 1, 2021, and annually thereafter, the
150 department must prequalify firms and individuals to provide
151 staff augmentation contractual services on a state term
152 contract. In order to prequalify a firm or an individual for
153 participation on the state term contract, the department must
154 consider, at a minimum, the capability, experience, and past
155 performance record of the firm or individual. A firm or an
156 individual removed from the source of supply pursuant to s.
157 287.042(1)(b) or placed on a disqualified vendor list pursuant
158 to s. 287.133 or s. 287.134 is not eligible for a state term
159 contract. Once a firm or an individual has been prequalified to
160 provide staff augmentation contractual services on a state term
161 contract, the firm or individual may respond to requests for
162 quotes from an agency to provide such services.

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