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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/08/2021	.	
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Appropriations Subcommittee on Agriculture, Environment, and  
General Government (Brodeur) recommended the following:

**Senate Amendment**

Delete lines 183 - 364

and insert:

(4) A state agency as defined in s. 287.012 may not  
initiate a competitive solicitation for a product or service if  
the completion of such competitive solicitation would:

(a) Require a change in law; or

(b) Require a change to the agency's budget other than a  
transfer authorized in s. 216.292(2) or (3), unless the



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11 initiation of such competitive solicitation is specifically  
12 authorized in law, in the General Appropriations Act, or by the  
13 Legislative Budget Commission.

14 (c) This subsection does not apply to a competitive  
15 solicitation for which the agency head certifies that a valid  
16 emergency exists.

17 (14)~~(13)~~ Contracts for commodities or contractual services  
18 may be renewed for a period that may not exceed 3 years or the  
19 term of the original contract, whichever is longer. Renewal of a  
20 contract for commodities or contractual services must be in  
21 writing and is subject to the same terms and conditions set  
22 forth in the initial contract and any written amendments signed  
23 by the parties. If the commodity or contractual service is  
24 purchased as a result of the solicitation of bids, proposals, or  
25 replies, the price of the commodity or contractual service to be  
26 renewed must be specified in the bid, proposal, or reply, except  
27 that an agency may negotiate lower pricing. A renewal contract  
28 may not include any compensation for costs associated with the  
29 renewal. Renewals are contingent upon satisfactory performance  
30 evaluations by the agency and subject to the availability of  
31 funds. Exceptional purchase contracts pursuant to paragraphs  
32 (3) (a) and (c) may not be renewed. With the exception of  
33 subsection (11) ~~(10)~~, if a contract amendment results in a  
34 longer contract term or increased payments, a state agency may  
35 not renew or amend a contract for the outsourcing of a service  
36 or activity that has an original term value exceeding \$5 ~~\$10~~  
37 million before submitting a written report concerning contract  
38 performance to the Governor, the President of the Senate, and  
39 the Speaker of the House of Representatives at least 90 days



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40 before execution of the renewal or amendment.

41 (15) (a) ~~(14)~~ For each contractual services contract, the  
42 agency shall designate an employee to function as contract  
43 manager who is responsible for enforcing performance of the  
44 contract terms and conditions and serve as a liaison between  
45 ~~with~~ the contractor and the agency. The contract manager may not  
46 be an individual who has been employed, within the previous 5  
47 years, by the vendor awarded the contractual services contract.  
48 The primary responsibilities of a contract manager include, but  
49 are not limited to:

50 1. Participating in the solicitation development and review  
51 of contract documents.

52 2. Monitoring the contractor's progress and performance to  
53 ensure procured products and services conform to the contract  
54 requirements and keeping timely records of findings.

55 3. Managing and documenting any changes to the contract  
56 through the amendment process authorized by the terms of the  
57 contract.

58 4. Monitoring the contract budget to ensure sufficient  
59 funds are available throughout the term of the contract.

60 5. Exercising applicable remedies, as appropriate, when a  
61 contractor's performance is deficient.

62 (b) ~~(a)~~ Each contract manager who is responsible for  
63 contracts in excess of the threshold amount for CATEGORY TWO  
64 must, at a minimum, complete training conducted by the Chief  
65 Financial Officer for accountability in contracts and grant  
66 management. The Chief Financial Officer shall evaluate such  
67 training every 5 years to assess its effectiveness and update  
68 the training curriculum. The Chief Financial Officer shall



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69 establish and disseminate uniform procedures pursuant to s.  
70 17.03(3) to ensure that contractual services have been rendered  
71 in accordance with the contract terms before the agency  
72 processes the invoice for payment. The procedures must include,  
73 but need not be limited to, procedures for monitoring and  
74 documenting contractor performance, reviewing and documenting  
75 all deliverables for which payment is requested by vendors, and  
76 providing written certification by contract managers of the  
77 agency's receipt of goods and services.

78 (c) ~~(b)~~ Each contract manager who is responsible for  
79 contracts in excess of \$100,000 annually must, in addition to  
80 the accountability in contracts and grant management training  
81 required in paragraph (b) and within 6 months after being  
82 assigned responsibility for such contracts, complete training in  
83 contract management and become a certified contract manager. The  
84 department is responsible for establishing and disseminating the  
85 training and certification requirements for certified contract  
86 managers. Training must promote best practices and procedures  
87 related to negotiating, managing, and ensuring accountability in  
88 agency contracts and grant agreements, which must include the  
89 use of case studies based upon previous audits, contracts, and  
90 grant agreements. A certified contract manager must complete  
91 training every 5 years for certification renewal requirements  
92 for certification which include completing the training  
93 conducted by the Chief Financial Officer for accountability in  
94 contracts and grant management. Training and certification must  
95 be coordinated by the department, and the training must be  
96 conducted jointly by the department and the Department of  
97 Financial Services. The department shall evaluate such training



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98 every 5 years to assess its effectiveness and update the  
99 training curriculum ~~Training must promote best practices and~~  
100 ~~procedures related to negotiating, managing, and ensuring~~  
101 ~~accountability in agency contracts and grant agreements, which~~  
102 ~~must include the use of case studies based upon previous audits,~~  
103 ~~contracts, and grant agreements. All agency contract managers~~  
104 ~~must become certified within 24 months after establishment of~~  
105 ~~the training and certification requirements by the department~~  
106 ~~and the Department of Financial Services.~~

107 (d) Each contract manager who is responsible for contracts  
108 in excess of \$10 million annually must, in addition to the  
109 training required in paragraph (b) and the training and  
110 certification required in paragraph (c), possess at least 5  
111 years of experience managing contracts in excess of \$5 million  
112 annually.

113 (16) ~~(15)~~ Each agency shall designate at least one employee  
114 who shall serve as a contract administrator responsible for  
115 maintaining a contract file and financial information on all  
116 contractual services contracts and who shall serve as a liaison  
117 with the contract managers and the department. For a contract of  
118 \$500,000 or less annually, the contract administrator may also  
119 serve as the contract manager if he or she has completed the  
120 required training. For a contract in excess of \$500,000  
121 annually, the contract administrator may not serve as both the  
122 contract administrator and the contract manager.

123 (17) (a) ~~(16) (a)~~ For a contract in excess of the threshold  
124 amount provided in s. 287.017 for CATEGORY FOUR, the agency head  
125 shall appoint:

126 1. At least three persons to independently evaluate



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127 proposals and replies who collectively have experience and  
128 knowledge in the program areas and service requirements for the  
129 commodity ~~which commodities~~ or contractual services ~~are~~ sought.

130 2. At least three persons to a negotiation team to conduct  
131 negotiations during a competitive sealed reply procurement. The  
132 negotiation team members must ~~who~~ collectively have experience  
133 and knowledge in negotiating contracts, contract procurement,  
134 and the program areas and service requirements for the commodity  
135 ~~which commodities~~ or contractual services ~~are~~ sought.

136 (b)1. If the value of a contract is in excess of \$1 million  
137 in any fiscal year, at least one of the persons conducting  
138 negotiations must be ~~certified as a~~ certified contract  
139 negotiator ~~based upon department rules in order to ensure that~~  
140 ~~certified contract negotiators are knowledgeable about effective~~  
141 ~~negotiation strategies, capable of successfully implementing~~  
142 ~~those strategies, and involved appropriately in the procurement~~  
143 ~~process. At a minimum, the rules must address the qualifications~~  
144 ~~required for certification, the method of certification, and the~~  
145 ~~procedure for involving the certified negotiator.~~

146 2. If the value of a contract is in excess of \$10 million  
147 in any fiscal year, at least one of the persons conducting  
148 negotiations must be a Project Management Professional, as  
149 certified by the Project Management Institute. The Project  
150 Management Professional shall provide guidance based on his or  
151 her experience, education, and competency to lead and direct  
152 complex projects.

153 3. The department is responsible for establishing and  
154 disseminating the certification and training requirements for  
155 certified contract negotiators. Training must ensure that



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156 certified contract negotiators are knowledgeable about effective  
157 negotiation strategies, capable of successfully implementing  
158 those strategies, and involved appropriately in the procurement  
159 process. The department shall evaluate such training every 5  
160 years in order to assess its effectiveness and update the  
161 training curriculum. A certified contract negotiator is required  
162 to complete training every 5 years for certification renewal.

163 Qualification requirements for certification must include:

164 a. At least 12 months' experience as a purchasing agent,  
165 contract manager, or contract administrator for an agency or a  
166 local governmental entity where at least 50 percent of the  
167 designated duties included procuring commodities or contractual  
168 services; participating in contract negotiation, contract  
169 management, or contract administration; or working as an agency  
170 attorney whose duties included providing legal counsel to the  
171 agency's purchasing or contracting staff; and

172 b. Experience during the preceding 5 years in leading at  
173 least two federal, state, or local government negotiation teams  
174 through a negotiated procurement, or participation in at least  
175 three federal, state, or local government-negotiated  
176 procurements.

177 (18) Any person who supervises contract administrators or  
178 contract or grant managers who meet criteria for certification  
179 in subsection (15) shall annually complete public procurement  
180 training for supervisors within 12 months after appointment to  
181 the supervisory position. The department is responsible for  
182 establishing and disseminating the training course content  
183 required for supervisors, and training shall commence no later  
184 than July 1, 2022.



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185           (26) (a) For each contractual services contract in excess of  
186 \$1 million, the agency head of an agency as defined in s.  
187 287.012 shall establish a continuing