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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2021	.	
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The Committee on Appropriations (Brodeur) recommended the following:

**Senate Amendment**

Delete lines 183 - 378

and insert:

(4) (a) An agency may not initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would:

1. Require a change in law; or

2. Require a change to the agency's original approved budget as defined in s. 216.011, other than a transfer



519034

11 authorized in s. 216.292(2) or (3), unless the initiation of  
12 such competitive solicitation is specifically authorized in law,  
13 in the General Appropriations Act, or by the Legislative Budget  
14 Commission.

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

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



519034

40 the Speaker of the House of Representatives at least 90 days  
41 before execution of the renewal or amendment.

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

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

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

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

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

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

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



519034

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

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



519034

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

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

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

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



519034

127           1. At least three persons to independently evaluate  
128 proposals and replies who collectively have experience and  
129 knowledge in the program areas and service requirements for the  
130 commodity ~~which commodities~~ or contractual services are sought.

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

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

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

154           3. The department is responsible for establishing and  
155 disseminating the certification and training requirements for



519034

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

164 Qualification requirements for certification must include:

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

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

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



519034

185 than July 1, 2022.

186 (26) (a) For each contractual services contract in excess of  
187 \$5 million, the agency head shall establish a continuing  
188 oversight team after the contract has been awarded. The agency  
189 head shall appoint at least four persons, one of whom must be  
190 the certified contract manager, to the continuing oversight  
191 team. If the value of the contractual services contract is in  
192 excess of \$10 million, at least one of the persons on the  
193 continuing oversight team must possess at least 5 years of  
194 experience in managing contracts of a similar scope or size. If  
195 the value of the contractual services contract is in excess of  
196 \$20 million, the continuing oversight team must consist of at  
197 least five persons, and at least one of the persons on the  
198 continuing oversight team must be from an agency other than the  
199 agency or agencies participating in the contract. Members of the  
200 continuing oversight team must be agency employees and must