

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1669 Hillsborough Co./Purchases/Goods  
**SPONSOR(S):** Representative Homan  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** HB 1451 & SB 2386

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government & Veterans' Affairs	20 Y, 0 N	Morris	Cutchins
2) State Administration			
3)			
4)			
5)			

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**SUMMARY ANALYSIS**

This bill authorizes all of the public bodies operating solely within the boundaries of Hillsborough County to purchase goods and services based on bids submitted to and accepted by other federal, state, and local governmental agencies. Public entities in Hillsborough County would be able to purchase goods and services under the terms reached by another public entity through a competitive sealed bid process.

The bill appears to be an exemption to general law since it allows public entities to make purchases of goods and services without publicly advertising for bids.

**Pursuant to House Rule 5.5(b), a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. The provisions of House Rule 5.5(b) appear to apply to this bill.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

Municipalities and political subdivisions are required to follow the guidelines set forth in s. 287.055, F.S., for the procurement of personal property and services. Section 287.055, F.S., provides the procedures for the public announcement for a bid, competitive selection, and competitive negotiation for certain purchases.

This bill authorizes all of the public bodies operating solely within the boundaries of Hillsborough County to purchase goods and services based on bids submitted to and accepted by other federal, state, and local governmental agencies. Public entities in Hillsborough County would be able to purchase goods and services under the terms reached by another public entity through a competitive sealed bid process.<sup>1</sup>

This could save public entities the time and money associated with the bid process, however the public bodies in Hillsborough County could encounter a price and availability differential with goods and services in a different region of the state or country.

The bill appears to be an exemption to general law since it allows public entities to make purchases of goods and services without publicly advertising for bids.

#### C. SECTION DIRECTORY:

**Section 1** defines “public body” as any entity created by the Florida Constitution, by general or special law, or by ordinance operating solely within Hillsborough County.

This section also defines “publicly advertised competitive sealed bidding process” as a process of receiving two or more sealed bids or proposals from responsible vendors who respond to an invitation to bid or request for proposals solicited in a manner compliant with state law.

**Section 2** declares the purpose of this act is to facilitate the purchase of goods and services by a public body by enabling a public body to engage in cooperative purchasing practices with other federal, state, and local entities.

**Section 3** authorizes a public body to purchase goods and services under the terms of a bid submitted to and accepted by any other federal, state, or local government entity and under the terms of a

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<sup>1</sup> Section 287.012(6), F.S. defines a “competitive sealed bid” as the process of receiving two or more sealed bids, proposals, or replies submitted by responsive vendors and includes bids, proposals, or replies transmitted by electronic means in lieu of or in addition to written bids, proposals, or replies.

contract with such other governmental entity, provided that such bid or contract results from a publicly advertised competitive sealed bidding process.

**Section 4** exempts any cooperative purchase made under the provisions of this act from the requirements for advertising for bids and for competitive sealed bids, provided that the governmental entity that acts as a purchasing partner to a public body has complied with the requirements of a publicly advertised competitive sealed bidding process.

**Section 5** states that this act provides an additional, supplemental, and alternative method of purchasing for public bodies and does not detract any purchasing powers already provided in ch. 69-1119, L.O.F.

**Section 6** provides that this act shall take effect upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN?

January 27, 2004.

WHERE?

Tampa, Hillsborough County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

According to the Director of Purchasing for the City of Tampa, this bill will authorize Hillsborough County and other public bodies within the county to operate more efficiently and effectively in the purchase of various goods and services. This bill will have minimal impact on local business or individuals because public bodies would continue to purchase goods and services at the local level if prices are competitive and available locally. Also, any cost savings incurred by a public body from purchasing goods or services outside of the area will save taxpayer dollars.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

This could save public entities the time and money associated with the bid process, however the public bodies in Hillsborough County could encounter a price and availability differential with goods and services in a different region of the state or country.

The bill appears to be an exemption to s. 287.55, F.S., since it allows public entities to make purchases of goods and services without publicly advertising for bids.

Pursuant to House Rule 5.5(b), a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. The provisions of House Rule 5.5(b) appear to apply to this bill. (See section I.B. "EFFECT OF PROPOSED CHANGES:".)

**IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES**

No Amendments