

By Senator Fasano

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1 A bill to be entitled
2 An act relating to efficiency in procurement and
3 contracting; creating s. 287.0575, F.S.; establishing
4 the Advisory Committee on State Procurement for the
5 purpose of evaluating the state procurement process
6 and carrying out the legislative policy created under
7 the act; providing policy of the Legislature with
8 respect to the procurement of goods, services, and
9 facilities by the state; providing for membership,
10 organization, and staffing of the committee; providing
11 duties of the committee; providing powers of the
12 committee; requiring state agency cooperation with the
13 committee; requiring reports of the committee;
14 providing for termination of the committee; providing
15 an appropriation; providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 287.0575, Florida Statutes, is created
20 to read:

21 287.0575 Advisory Committee on State Procurement; policy;
22 duties; termination of advisory committee.-

23 (1) ADVISORY COMMITTEE ON STATE PROCUREMENT;
24 ESTABLISHMENT.-The Advisory Committee on State Procurement is
25 established for the purpose of evaluating the entire state
26 procurement process of the executive branch of government,
27 including the Department of Financial Services and the
28 Department of Agriculture and Consumer Services. This evaluation
29 shall include the organization, staffing, leadership, planning,

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30 and controls involved in the procurement and contracting
31 process, for the purpose of carrying out the policy set forth in
32 subsection (2).

33 (2) LEGISLATIVE POLICY.—It is the policy of the Legislature
34 to promote economy, efficiency, and effectiveness in the
35 procurement of goods, services, and facilities by and for the
36 executive branch of state government through the following
37 means:

38 (a) The establishment of policies, procedures, and
39 practices which require the state to procure goods, services,
40 and facilities of requisite quality, in a timely manner, and at
41 the lowest reasonable cost, using competitive bidding to the
42 maximum extent possible.

43 (b) Improvement of the quality, efficiency, economy, and
44 performance of organizations and personnel involved in the
45 procurement of goods, services, and facilities by the state.

46 (c) Elimination of unnecessary overlapping or duplication
47 of procurement activities and related activities such as
48 contract administration.

49 (d) Elimination of unnecessary or redundant requirements
50 placed on contractors or on officials in charge of the
51 procurement of goods, services, and facilities by the state.

52 (e) Identification of gaps, omissions, or inconsistencies
53 in state laws, rules, and directives relating to the procurement
54 of goods, services, and facilities by the state which should be
55 brought to the attention of the Legislature.

56 (f) Attainment of greater uniformity in and simplification
57 of procurement procedures, whenever appropriate.

58 (g) Coordination of the procurement policies and programs

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59 of the various departments and agencies of the state, whenever
60 possible.

61 (h) The conforming of procurement policies and programs to
62 other successful established state policies and programs,
63 whenever appropriate.

64 (i) Minimization of possible disruptive effects of state
65 procurement on particular industries, areas, or occupations.

66 (j) Improvement of training with respect to, and the
67 understanding of, the laws and policies of the state relating to
68 the procurement of goods, services, and facilities by the state,
69 not only within state government but on the part of
70 organizations and individuals doing business with the state.

71 (k) Promotion of fair dealing and equitable relationships
72 among the parties in state contracting.

73 (l) Promotion of economy, efficiency, and effectiveness in
74 state procurement organizations, operations, and uniform
75 reporting by any means the committee deems beneficial and
76 appropriate.

77 (m) Giving special consideration to procurement laws,
78 policies, procedures, practices, organization, staffing,
79 leadership, and controls of the procurement processes of the
80 Federal Government and other states.

81 (n) Promotion of economy, efficiency, and effectiveness in
82 procurement, contract management, and project management
83 operations.

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85 Nothing in this subsection shall be construed as limiting the
86 committee's means of facilitating the legislative policy
87 expressed herein, the inquiries of the committee, or the

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88 committee's authority to investigate additional areas the
89 committee deems significant, relevant, or important.

90 (3) MEMBERSHIP; ORGANIZATION.—

91 (a) The committee shall be composed of 11 members. Three
92 members shall be appointed by the President of the Senate, three
93 members shall be appointed by the Speaker of the House of
94 Representatives, three members shall be appointed by the
95 Governor, one member shall be appointed by the Chief Financial
96 Officer, and one member shall be the director of the Office of
97 Program Policy Analysis and Government Accountability or the
98 director's designee. Of the three appointments made by the
99 President of the Senate, two appointees shall be Senators who
100 are not of the same political party, and one appointee shall be
101 from outside state government. Of the three appointments made by
102 the Speaker of the House of Representatives, two appointees
103 shall be members of the House of Representatives who are not of
104 the same political party, and one appointee shall be from
105 outside state government. Of the three appointments made by the
106 Governor, two appointees shall be from the executive branch of
107 state government and one appointee shall be from outside state
108 government. All committee appointments shall be made within 60
109 days of the date on which this act becomes law.

110 (b) The committee shall select a chair and a vice chair
111 from among its members.

112 (c) Six members of the committee shall constitute a quorum.

113 (d) Any vacancies in the committee shall be filled for the
114 unexpired term in the same manner as the original appointment.

115 (e) The Office of Program Policy Analysis and Government
116 Accountability shall staff the advisory committee and provide

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117 administrative support, administer contracts with outside
118 consultants, and provide evaluative research support to the
119 committee.

120 (4) DUTIES OF ADVISORY COMMITTEE.—The advisory committee
121 shall study and investigate:

122 (a) The current laws of the state which govern the
123 procurement of goods, services, and facilities by the state;

124 (b) The procurement policies, rules, procedures, and
125 practices followed by the departments, bureaus, agencies,
126 boards, commissions, offices, and instrumentalities of the
127 executive branch of state government; and

128 (c) The organizations and management processes involved in
129 a state procurement of goods, services, and facilities prior to
130 the award of a state procurement contract, during the
131 solicitation of bids, evaluation, and negotiation of a contract,
132 and subsequent to the award of the contract to determine the
133 extent to which these organizations and management processes
134 facilitate the policy set forth in subsection (2).

135 (5) POWERS OF ADVISORY COMMITTEE.—

136 (a) The advisory committee may hold hearings and take
137 testimony. Any member of the committee may, on behalf of the
138 committee as a whole, administer oaths or affirmations to
139 witnesses at a hearing of the advisory committee.

140 (b) The committee may acquire information directly from the
141 head of any state department or agency for the purpose of its
142 studies and investigations. All departments and agencies shall
143 cooperate with the committee and furnish all information
144 requested by the committee to the extent permitted by law.
145 Requests for information are required to be made in the name of

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146 the chair or vice chair of the committee.

147 (c) The committee may procure the services of experts and
148 consultants.

149 (d) The committee may enter into contracts with private
150 organizations and nonprofit institutions to carry out studies
151 and prepare reports to facilitate the committee's work.

152 (6) AGENCY COOPERATION.—All departments or agencies of the
153 state are required to provide services to the committee upon
154 request, on a reimbursable basis or otherwise, pursuant to
155 agreements between the contributing agency and the chair or vice
156 chair of the committee.

157 (7) REPORTS.—

158 (a) The advisory committee may make such interim reports as
159 it deems advisable.

160 (b) By December 31, 2011, the advisory committee shall
161 submit to the Speaker of the House of Representatives, the
162 President of the Senate, the Governor, and the Chief Financial
163 Officer the final report of its findings and recommendations for
164 changes in statutes, rules, policies, procedures, and
165 organization necessary to carry out the policy set forth in
166 subsection (2).

167 (8) TERMINATION OF ADVISORY COMMITTEE.—The Advisory
168 Committee on State Procurement shall cease to exist 120 days
169 after the submission of its final report. The committee and its
170 staff shall utilize the 120-day period between the submission of
171 the final report and the termination of the committee to draft
172 or assist in final preparation of legislative or administrative
173 proposals that will carry out the recommendations of the
174 committee contained in its final report.

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175 Section 2. For the 2010-2011 fiscal year, the sum of \$3.5
176 million is appropriated from the General Revenue Fund to the
177 Advisory Committee on State Procurement for the purposes of
178 carrying out the provisions of this act.

179 Section 3. This act shall take effect upon becoming a law.