

Chapter 88-384

House Bill No. 1504

AN ACT relating to public procurement; amending s. 119.07, F.S., modifying an exemption for sealed bids or proposals received; exempting subscriber records supplied by telecommunications companies to governmental agencies; amending s. 120.53, F.S., providing notice requirements for exceptional purchase decisions of the Division of Purchasing of the Department of General Services; amending s. 216.136, F.S., requiring the Economic Estimating Conference to project the financial condition of the employee group health self-insurance plan; amending s. 216.164, F.S., requiring that proposed changes in benefits provided under the state group health self-insurance plan include a statement on the impact on plan premiums; amending s. 216.345, F.S., exempting certain membership dues from public procurement requirements; amending s. 287.012, F.S., modifying definition of "commodity"; defining "exceptional purchase", "term contract", and "competitive bids" and "competitive offers"; amending s. 287.042, F.S., providing powers and duties of the division with respect to term contracts; providing procedures for actions protesting term contract or exceptional purchase decisions; requiring a bond; providing for hearings; providing for payment of attorney's fees and costs; modifying provisions relating to reporting use of minority business enterprises in state contracting; amending s. 287.052, F.S., providing for commodities acquired incidental to the acquisition of services; amending s. 240.225, F.S.; providing for the Department of General Services to delegate certain procurement functions to the State University System; providing for the State Board of Education to review specified procurements; amending ss. 282.308, 282.311, 282.3115, F.S.; designating information resource managers to serve the Justice Administrative Commission and the state attorney office and public defender office of each judicial circuit; requiring information resource managers to approve certain procurements; amending s. 282.314, F.S.; providing for additional representation on the Information Resources Management Advisory Council; amending s. 287.062, F.S.; requiring the Division of Purchasing of the department to negotiate and execute certain volume purchasing agreements; amending s. 287.073, F.S.; providing definitions; providing requirements for information technology resources bid solicitations; exempting certain procurements from bid requirements; providing additional duties of the Information Technology Resource Procurement Advisory Council; amending s. 287.057, F.S., clarifying language; amending s. 287.058, F.S., increasing the threshold amount for contractual services requiring a written agreement; requiring certification of an emergency precluding execution of a written agreement within a specified time period; amending s. 287.062, F.S., exempting certain emergency

purchases from competitive bid requirements; providing an exception for purchase of prescriptive assistive devices from the requirement for competitive bidding for purchase of commodities; providing for waiver of requirements for written agreements for certain services; providing an effective date.

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

Section 2. Paragraph (a) of subsection (5) of section 120.53, Florida Statutes, is amended to read:

120.53. Adoption of rules of procedure and public inspection

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.301-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(a) The agency shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award as follows:

1. For a bid solicitation, notice of a decision or intended decision shall be given by United States mail or by hand delivery.

2. FOR ANY DECISION OF THE DIVISION OF PURCHASING OF THE DEPARTMENT OF GENERAL SERVICES CONCERNING A REQUEST BY AN AGENCY FOR APPROVAL OF AN EXCEPTIONAL PURCHASE UNDER PART I OF CHAPTER 287 AND THE RULES OF THE DIVISION OF PURCHASING, NOTICE OF A DECISION OR INTENDED DECISION SHALL BE GIVEN BY POSTING SUCH NOTICE IN THE OFFICE OF THE DIVISION OF PURCHASING.

3.2 For any other agency decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened or by certified United States mail, return receipt requested. The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under chapter 120, Florida Statutes."