

ENROLLED

HB 953

2014 Legislature

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2 An act relating to state contracting; amending s.
3 287.057, F.S.; revising the criteria for evaluating a
4 proposal to include consideration of prior relevant
5 experience of the vendor; revising the criteria for
6 evaluating a response to an agency's invitation to
7 negotiate to include consideration of prior relevant
8 experience of the vendor; providing an effective date.
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10 Be It Enacted by the Legislature of the State of Florida:
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12 Section 1. Subsection (1) of section 287.057, Florida
13 Statutes, is amended to read:

14 287.057 Procurement of commodities or contractual
15 services.—

16 (1) The competitive solicitation processes authorized in
17 this section shall be used for procurement of commodities or
18 contractual services in excess of the threshold amount provided
19 for CATEGORY TWO in s. 287.017. Any competitive solicitation
20 shall be made available simultaneously to all vendors, must
21 include the time and date for the receipt of bids, proposals, or
22 replies and of the public opening, and must include all
23 contractual terms and conditions applicable to the procurement,
24 including the criteria to be used in determining acceptability
25 and relative merit of the bid, proposal, or reply.

26 (a) *Invitation to bid.*—The invitation to bid shall be used

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27 when the agency is capable of specifically defining the scope of
28 work for which a contractual service is required or when the
29 agency is capable of establishing precise specifications
30 defining the actual commodity or group of commodities required.

31 1. All invitations to bid must include:

32 a. A detailed description of the commodities or
33 contractual services sought; and

34 b. If the agency contemplates renewal of the contract, a
35 statement to that effect.

36 2. Bids submitted in response to an invitation to bid in
37 which the agency contemplates renewal of the contract must
38 include the price for each year for which the contract may be
39 renewed.

40 3. Evaluation of bids must include consideration of the
41 total cost for each year of the contract, including renewal
42 years, as submitted by the vendor.

43 4. The contract shall be awarded to the responsible and
44 responsive vendor who submits the lowest responsive bid.

45 (b) *Request for proposals.*—An agency shall use a request
46 for proposals when the purposes and uses for which the
47 commodity, group of commodities, or contractual service being
48 sought can be specifically defined and the agency is capable of
49 identifying necessary deliverables. Various combinations or
50 versions of commodities or contractual services may be proposed
51 by a responsive vendor to meet the specifications of the
52 solicitation document.

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53 1. Before issuing a request for proposals, the agency must
 54 determine and specify in writing the reasons that procurement by
 55 invitation to bid is not practicable.

56 2. All requests for proposals must include:

57 a. A statement describing the commodities or contractual
 58 services sought;

59 b. The relative importance of price and other evaluation
 60 criteria; and

61 c. If the agency contemplates renewal of the contract, a
 62 statement to that effect.

63 3. Criteria that will be used for evaluation of proposals
 64 must ~~shall~~ include, but are not limited to:

65 a. Price, which must be specified in the proposal;

66 b. If the agency contemplates renewal of the contract, the
 67 price for each year for which the contract may be renewed; ~~and~~

68 c. Consideration of the total cost for each year of the
 69 contract, including renewal years, as submitted by the vendor;
 70 and ~~and~~.

71 d. Consideration of prior relevant experience of the
 72 vendor.

73 4. The contract shall be awarded by written notice to the
 74 responsible and responsive vendor whose proposal is determined
 75 in writing to be the most advantageous to the state, taking into
 76 consideration the price and other criteria set forth in the
 77 request for proposals. The contract file shall contain
 78 documentation supporting the basis on which the award is made.

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79 (c) *Invitation to negotiate.*—The invitation to negotiate
80 is a solicitation used by an agency which is intended to
81 determine the best method for achieving a specific goal or
82 solving a particular problem and identifies one or more
83 responsive vendors with which the agency may negotiate in order
84 to receive the best value.

85 1. Before issuing an invitation to negotiate, the head of
86 an agency must determine and specify in writing the reasons that
87 procurement by an invitation to bid or a request for proposal is
88 not practicable.

89 2. The invitation to negotiate must describe the questions
90 being explored, the facts being sought, and the specific goals
91 or problems that are the subject of the solicitation.

92 3. The criteria that will be used for determining the
93 acceptability of the reply and guiding the selection of the
94 vendors with which the agency will negotiate must be specified.
95 The evaluation criteria must include consideration of prior
96 relevant experience of the vendor.

97 4. The agency shall evaluate replies against all
98 evaluation criteria set forth in the invitation to negotiate in
99 order to establish a competitive range of replies reasonably
100 susceptible of award. The agency may select one or more vendors
101 within the competitive range with which to commence
102 negotiations. After negotiations are conducted, the agency shall
103 award the contract to the responsible and responsive vendor that
104 the agency determines will provide the best value to the state,

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105 based on the selection criteria.

106 5. The contract file for a vendor selected through an
107 invitation to negotiate must contain a short plain statement
108 that explains the basis for the selection of the vendor and that
109 sets forth the vendor's deliverables and price, pursuant to the
110 contract, along with an explanation of how these deliverables
111 and price provide the best value to the state.

112 Section 2. This act shall take effect July 1, 2014.