

HB 441

2020

1 A bill to be entitled
2 An act relating to the public procurement of services;
3 amending s. 255.103, F.S.; revising the maximum dollar
4 amount for continuing contracts for construction
5 projects; amending s. 287.055, F.S.; redefining the
6 term "continuing contract" to increase certain maximum
7 dollar amounts for professional architectural,
8 engineering, landscape architectural, and surveying
9 and mapping services; requiring the Department of
10 Management Services to annually adjust by rule the
11 statutory caps for continuing contracts; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (4) of section 255.103, Florida
17 Statutes, is amended to read:

18 255.103 Construction management or program management
19 entities.—

20 (4) A governmental entity's authority under subsections
21 (2) and (3) includes entering into a continuing contract for
22 construction projects, pursuant to the process provided in s.
23 287.055, in which the estimated construction cost of each
24 individual project under the contract does not exceed \$5
25 million, or the dollar amount as adjusted pursuant to s.

26 | 287.055(7)(b) ~~\$2 million~~. For purposes of this subsection, the
 27 | term "continuing contract" means a contract with a construction
 28 | management or program management entity for work during a
 29 | defined period on construction projects described by type which
 30 | may or may not be identified at the time of entering into the
 31 | contract.

32 | Section 2. Paragraph (g) of subsection (2) and subsection
 33 | (7) of section 287.055, Florida Statutes, are amended to read:

34 | 287.055 Acquisition of professional architectural,
 35 | engineering, landscape architectural, or surveying and mapping
 36 | services; definitions; procedures; contingent fees prohibited;
 37 | penalties.—

38 | (2) DEFINITIONS.—For purposes of this section:

39 | (g) A "continuing contract" is a contract for professional
 40 | services entered into in accordance with all the procedures of
 41 | this act between an agency and a firm whereby the firm provides
 42 | professional services to the agency for projects in which the
 43 | estimated construction cost of each individual project under the
 44 | contract does not exceed \$5 million, or the dollar amount as
 45 | adjusted pursuant to paragraph (7)(b); ~~\$2 million,~~ for study
 46 | activity if the fee for professional services for each
 47 | individual study under the contract does not exceed \$500,000, or
 48 | the dollar amount as adjusted pursuant to paragraph (7)(b);
 49 | ~~\$200,000,~~ or for work of a specified nature as outlined in the
 50 | contract required by the agency, with the contract being for a

51 fixed term or with no time limitation except that the contract
52 must provide a termination clause. Firms providing professional
53 services under continuing contracts are ~~shall~~ not be required to
54 bid against one another.

55 (7) AUTHORITY AND DUTIES OF DEPARTMENT OF MANAGEMENT
56 SERVICES.—

57 (a) Notwithstanding any other provision of this section,
58 the Department of Management Services shall be the agency of
59 state government which is solely and exclusively authorized and
60 empowered to administer and perform the functions described in
61 subsections (3), (4), and (5) respecting all projects for which
62 the funds necessary to complete same are appropriated to the
63 Department of Management Services, irrespective of whether such
64 projects are intended for the use and benefit of the Department
65 of Management Services or any other agency of government.
66 However, nothing herein shall be construed to be in derogation
67 of any authority conferred on the Department of Management
68 Services by other express provisions of law. Additionally, any
69 agency of government may, with the approval of the Department of
70 Management Services, delegate to the Department of Management
71 Services authority to administer and perform the functions
72 described in subsections (3), (4), and (5). Under the terms of
73 the delegation, the agency may reserve its right to accept or
74 reject a proposed contract.

75 (b) The Department of Management Services shall by rule

HB 441

2020

76 | adjust the statutory maximum dollar amounts for continuing
77 | contracts established under paragraph (2)(g) and s. 255.103(4)
78 | based on the Engineering News-Record's Construction Cost Index.
79 | The adjustment shall be made July 1 of each year, beginning in
80 | 2021, using the most recent month for which data are available
81 | at the time of the adjustment.

82 | Section 3. This act shall take effect July 1, 2020.