

Committee on Governmental Oversight and Accountability

CS/HB 7223 — OGSR/Competitive Solicitations

by State Affairs Committee, Governmental Operations Subcommittee, and Representative Patronis (CS/SB 2090 by Governmental Oversight and Accountability Committee)

This bill is the result of Open Government Sunset Reviews by the Governmental Oversight and Accountability Committee of public-records and -meetings exemptions pertaining to competitive procurement solicitations.

Agency procurements of commodities or contractual services exceeding \$30,000 are governed by statute and rule and require one of the following three types of competitive solicitations to be used, unless otherwise authorized by law: invitation to bid (ITB), request for proposals (RFP), or invitation to negotiate (ITN).

Current law provides general public-records and –meetings exemptions associated with competitive solicitations. Sealed bids, proposals, or replies in response to an ITB, RFP, or ITN are exempt from public-records requirements until a time certain. In addition, a meeting at which a negotiation with a vendor is conducted pursuant to an ITN is exempt from public-meetings requirements. A complete recording must be made of the exempt meeting. The recording is exempt from public-records requirements until a time certain.

This bill reenacts the exemptions, and:

- Expands the public-records exemption by extending the exemption for sealed bids and proposals from 10 days to 30 days.
- Expands the public-meetings exemption to include any portion of a meeting at which a vendor makes an oral presentation or a vendor answers questions as part of a competitive solicitation, and any portion of a team meeting at which negotiation strategies are discussed.
- Expands the public-records exemption for recordings of exempt meetings to comport with the public-records exemption for sealed bids, proposals, or replies. It extends the public-records exemption from 20 days to 30 days, and expands the public-records exemption by including those records presented by a vendor at a closed meeting.

The bill also extends the repeal date for the exemptions to October 2, 2016, and provides a public necessity statement as required by the State Constitution.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 113-0