

**By** the Committees on Appropriations; and Governmental Oversight and Accountability; and Senator Jones

576-04232-21

20211448c2

1                                   A bill to be entitled  
2       An act relating to information technology procurement;  
3       amending s. 282.0051, F.S.; requiring the Department  
4       of Management Services, through the Florida Digital  
5       Service, to establish certain project management and  
6       oversight standards for state agency compliance;  
7       requiring the department to perform project oversight  
8       on information technology projects that have total  
9       project costs of a certain amount or more; requiring  
10      that the information technology policy for certain  
11      state contracts established by the Florida Digital  
12      Service include certain requirements for certain  
13      contracts and information technology projects;  
14      providing requirements for information technology  
15      projects that have a total project cost more than a  
16      certain amount; amending s. 287.0591, F.S.; removing  
17      obsolete language; authorizing the department to  
18      execute certain contracts if the Secretary of  
19      Management Services and the state chief information  
20      officer certify certain information in writing;  
21      requiring an agency to issue a request for quote to  
22      certain vendors approved to provide certain  
23      commodities or services, in certain circumstances;  
24      requiring the department to prequalify firms and  
25      individuals to provide certain services on a state  
26      term contract by a certain date; requiring the  
27      department to consider certain information in order to  
28      prequalify a firm or an individual; providing for the  
29      disqualification of a firm or an individual from state

576-04232-21

20211448c2

30 term contract eligibility; authorizing a prequalified  
31 firm or individual to respond to certain requests for  
32 quotes; providing an effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

36 Section 1. Paragraphs (c), (n), and (q) of subsection (1)  
37 and subsection (4) of section 282.0051, Florida Statutes, are  
38 amended to read:

39 282.0051 Department of Management Services; Florida Digital  
40 Service; powers, duties, and functions.—

41 (1) The Florida Digital Service has been created within the  
42 department to propose innovative solutions that securely  
43 modernize state government, including technology and information  
44 services, to achieve value through digital transformation and  
45 interoperability, and to fully support the cloud-first policy as  
46 specified in s. 282.206. The department, through the Florida  
47 Digital Service, shall have the following powers, duties, and  
48 functions:

49 (c) Establish project management and oversight standards  
50 with which state agencies must comply when implementing  
51 information technology projects. The department, acting through  
52 the Florida Digital Service, shall provide training  
53 opportunities to state agencies to assist in the adoption of the  
54 project management and oversight standards. To support data-  
55 driven decisionmaking, the standards must include, but are not  
56 limited to:

57 1. Performance measurements and metrics that objectively  
58 reflect the status of an information technology project based on

576-04232-21

20211448c2

59 a defined and documented project scope, cost, and schedule.

60 2. Methodologies for calculating acceptable variances in  
61 the projected versus actual scope, schedule, or cost of an  
62 information technology project.

63 3. Reporting requirements, including requirements designed  
64 to alert all defined stakeholders that an information technology  
65 project has exceeded acceptable variances defined and documented  
66 in a project plan.

67 4. Content, format, and frequency of project updates.

68 5. Technical standards to ensure an information technology  
69 project complies with the enterprise architecture.

70 (n)1. Notwithstanding any other law, provide project  
71 oversight on any information technology project of the  
72 Department of Financial Services, the Department of Legal  
73 Affairs, and the Department of Agriculture and Consumer Services  
74 which has a total project cost of \$20 ~~\$25~~ million or more ~~and~~  
75 ~~which impacts one or more other agencies~~. Such information  
76 technology projects must also comply with the applicable  
77 information technology architecture, project management and  
78 oversight, and reporting standards established by the  
79 department, acting through the Florida Digital Service.

80 2. When performing the project oversight function specified  
81 in subparagraph 1., report at least quarterly to the Executive  
82 Office of the Governor, the President of the Senate, and the  
83 Speaker of the House of Representatives on any information  
84 technology project that the department, acting through the  
85 Florida Digital Service, identifies as high-risk due to the  
86 project exceeding acceptable variance ranges defined and  
87 documented in the project plan. The report shall include a risk

576-04232-21

20211448c2

88 assessment, including fiscal risks, associated with proceeding  
89 to the next stage of the project and a recommendation for  
90 corrective actions required, including suspension or termination  
91 of the project.

92 (q)1. Establish an information technology policy for all  
93 information technology-related state contracts, including state  
94 term contracts for information technology commodities,  
95 consultant services, and staff augmentation services. The  
96 information technology policy must include:

97 a. Identification of the information technology product and  
98 service categories to be included in state term contracts.

99 b. Requirements to be included in solicitations for state  
100 term contracts.

101 c. Evaluation criteria for the award of information  
102 technology-related state term contracts.

103 d. The term of each information technology-related state  
104 term contract.

105 e. The maximum number of vendors authorized on each state  
106 term contract.

107 f. At a minimum, a requirement that any contract for  
108 information technology commodities or services meet the National  
109 Institute of Standards and Technology Cybersecurity Framework.

110 g. For an information technology project with oversight  
111 required pursuant to paragraph (d) or paragraph (n), a  
112 requirement that independent verification and validation be  
113 employed throughout the project lifecycle with the primary  
114 objective of independent verification and validation to provide  
115 an objective assessment of products and processes. An entity  
116 providing independent verification and validation may not have a

576-04232-21

20211448c2

117 technical, managerial, or financial interest in the project and  
118 may not have responsibility for, or participate in, any other  
119 aspect of the project.

120 2. Evaluate vendor responses for information technology-  
121 related state term contract solicitations and invitations to  
122 negotiate.

123 3. Answer vendor questions on information technology-  
124 related state term contract solicitations.

125 4. Ensure that the information technology policy  
126 established pursuant to subparagraph 1. is included in all  
127 solicitations and contracts that are administratively executed  
128 by the department.

129 (4) For information technology projects that have a total  
130 project cost of over \$10 million ~~Upon the adoption of the~~  
131 ~~enterprise architecture standards in rule, the department,~~  
132 ~~acting through the Florida Digital Service, may develop a~~  
133 ~~process to:~~

134 (a) State agencies must provide the Florida Digital Service  
135 with ~~Receive~~ written notice ~~from the entities within the~~  
136 ~~enterprise~~ of any planned procurement of an information  
137 technology project ~~that is subject to enterprise architecture~~  
138 ~~standards.~~

139 (b) The Florida Digital Service must participate in the  
140 development of specifications and recommend modifications to any  
141 planned procurement of an information technology project by  
142 state agencies so that the procurement complies with the  
143 enterprise architecture.

144 (c) The Florida Digital Service must participate in post-  
145 award contract monitoring.

576-04232-21

20211448c2

146 Section 2. Section 287.0591, Florida Statutes, is amended  
147 to read:

148 287.0591 Information technology.—

149 (1) ~~Beginning July 1, 2014,~~ Any competitive solicitation  
150 issued by the department for a state term contract for  
151 information technology commodities must include a term that does  
152 not exceed 48 months.

153 (2) ~~Beginning September 1, 2015,~~ Any competitive  
154 solicitation issued by the department for a state term contract  
155 for information technology consultant services or information  
156 technology staff augmentation contractual services must include  
157 a term that does not exceed 48 months.

158 (3) The department may execute a state term contract for  
159 information technology commodities, consultant services, or  
160 staff augmentation contractual services that exceeds the 48-  
161 month requirement if the Secretary of Management Services and  
162 the state chief information officer certify in writing to the  
163 Executive Office of the Governor that a longer contract term is  
164 in the best interest of the state.

165 (4) If the department issues a competitive solicitation for  
166 information technology commodities, consultant services, or  
167 staff augmentation contractual services, the Florida Digital  
168 Service within the department shall participate in such  
169 solicitations.

170 (5) If an agency issues a request for quote to purchase  
171 information technology commodities, consultant services, or  
172 staff augmentation contractual services from the state term  
173 contract, for any contract with 25 approved vendors or fewer,  
174 the agency must issue a request for quote to all vendors

576-04232-21

20211448c2

175 approved to provide such commodity or service. For any contract  
176 with more than 25 approved vendors, the agency must issue a  
177 request for quote to at least 25 of the vendors approved to  
178 provide such commodity or contractual service. Use of a request  
179 for quote does not constitute a decision or intended decision  
180 that is subject to protest under s. 120.57(3).

181 (6) Beginning October 1, 2021, and each October 1  
182 thereafter, the department shall prequalify firms and  
183 individuals to provide information technology staff augmentation  
184 contractual services on a state term contract. In order to  
185 prequalify a firm or an individual for participation on the  
186 state term contract, the department must consider, at a minimum,  
187 the capability, experience, and past performance record of the  
188 firm or individual. A firm or an individual removed from the  
189 source of supply pursuant to s. 287.042(1)(b) or placed on a  
190 disqualified vendor list pursuant to s. 287.133 or s. 287.134 is  
191 immediately disqualified from state term contract eligibility.  
192 Once a firm or an individual has been prequalified to provide  
193 information technology staff augmentation contractual services  
194 on a state term contract, the firm or individual may respond to  
195 requests for quotes from an agency to provide such services.

196 Section 3. This act shall take effect July 1, 2021.