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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2014	.	
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The Committee on Governmental Oversight and Accountability (Hays) recommended the following:

Senate Amendment (with title amendment)

Before line 27
insert:
Section 1. Paragraph (a) of subsection (14) of section 215.985, Florida Statutes, is amended to read:
215.985 Transparency in government spending.—
(14) The Chief Financial Officer shall establish and maintain a secure contract tracking system available for viewing and downloading by the public through a secure website. The

Chief Financial Officer shall use appropriate Internet security measures to ensure that no person has the ability to alter or modify records available on the website.

(a) Within 30 calendar days after executing a contract, each state entity shall post the following information relating to the contract on the contract tracking system:

1. The names of the contracting entities.

2. The procurement method.

3. The contract beginning and ending dates.

4. The nature or type of the commodities or services purchased.

5. Applicable contract unit prices and deliverables.

6. Total compensation to be paid or received under the contract.

7. All payments made to the contractor to date.

8. Applicable contract performance measures.

9. If a competitive solicitation was not used to procure the goods or services, the justification of such action, including citation to a statutory exemption or exception from competitive solicitation, if any.

10. Electronic copies of the contract and procurement documents that have been redacted to exclude confidential or exempt information.

11. Whether the contractor was listed on the vendor complaint list, suspended vendor list, or terminated vendor list under s. 287.1335 at the time the contract was initially entered into.

Section 2. Section 287.1335, Florida Statutes, is created to read:

287.1335 Vendors; reporting by agencies and local governmental entities.—

(1) As used in this section, the term:

(a) "Suspended vendor list" means a list compiled by the department of all reported vendors whose ability to bid or perform state or local government contracts has been temporarily suspended by an agency or a participating local governmental entity due to a contract default by the vendor or for other good cause.

(b) "Terminated vendor list" means a list compiled by the department of all reported vendors whose contracts have been terminated by an agency or a participating local governmental entity due to a contract default by the vendor or for other good cause.

(c) "Vendor" means an entity or person in a contractual relationship with an agency or a local governmental entity.

(d) "Vendor complaint list" means a list compiled by the department of complaints that have been issued to vendors by an agency or participating local governmental entity.

(2) An agency shall provide the department with copies of complaints issued to vendors and the names of suspended and terminated vendors for the vendor complaint list, the suspended vendor list, and the terminated vendor list, respectively. A local governmental entity may provide such information to the department.

(3) The department shall maintain and update, on its website, the vendor complaint list, the suspended vendor list, and the terminated vendor list. In addition, the department shall provide public access through its website of copies of

complaints issued to a vendor by an agency or participating local governmental entity.

(4) An agency shall provide the department each quarter with updated information necessary to maintain the vendor complaint list, the suspended vendor list, and the terminated vendor list. A local governmental entity may provide such information to the department each quarter. An agency shall report to the department all instances of a material breach of a contract or a notice of default and subsequent termination within 30 days after such occurrence.

(5)(a) An agency shall require that a vendor responding to a competitive solicitation disclose whether the vendor has, within the previous 5 years, had a contract terminated by a federal, state, or local governmental entity after defaulting on a contract; paid a fine or penalty incurred by nonperformance of a federal, state, or local government contract; or entered into an agreement with a federal, state, or local governmental entity in settlement of any issues related to default or nonperformance of a contract. An agency may consider a vendor’s failure to disclose such information in determining whether the vendor is in breach of any resulting contract.

(b) A local governmental entity may require such disclosures from a vendor in response to a competitive solicitation.

(6) When evaluating bids, proposals, or replies to competitive solicitations, an agency must consider information available on the vendor complaint list, suspended vendor list, and terminated vendor list in determining whether the vendor submitting a response to the competitive solicitation is a

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98 responsible and responsive vendor. If an agency enters into a
99 contract with a vendor on the vendor complaint list, suspended
100 vendor list, or terminated vendor list, the contract file must
101 contain documentation specifying that the agency's designee with
102 authority to sign the contract was aware that the contracted
103 vendor was named on the vendor complaint list, suspended vendor
104 list, or terminated vendor list at the time the contract was
105 initially entered into.
106
107 ================ T I T L E A M E N D M E N T ================
108 And the title is amended as follows:
109 Delete lines 2 - 3
110 and insert:
111 An act relating to government contracting; amending s.
112 215.985, F.S.; revising information to be posted on
113 the Chief Financial Officer's contract tracking system
114 to conform to changes made by the act; amending s.
115 287.1335, F.S.; defining terms; requiring agencies to
116 provide the Department of Management Services with
117 copies of vendor complaints and names of suspended and
118 terminated vendors; authorizing local governmental
119 entities to provide such information to the
120 department; requiring the department to maintain
121 certain information regarding vendors on its website;
122 requiring an agency to submit specified information to
123 the department on a quarterly basis; authorizing a
124 local governmental entity to submit such information
125 on the same basis; requiring a vendor responding to an
126 agency's competitive solicitation to disclose certain

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information; specifying certain requirements for considering a response to a competitive solicitation or entering a contract; amending s. 287.084, F.S.; expanding