

## CHAPTER 2021-227

### Committee Substitute for Committee Substitute for House Bill No. 1137

An act relating to information technology procurement; amending s. 282.0051, F.S.; requiring the Department of Management Services, through the Florida Digital Service, to establish certain project management and oversight standards for state agency compliance; requiring the department to perform project oversight on information technology projects that have total project costs of a certain amount or more; requiring the information technology policy for certain state contracts established by the Florida Digital Service to include certain requirements for certain contracts and information technology projects; providing requirements for information technology projects that have a total project cost over a certain amount; amending s. 287.0591, F.S.; removing obsolete language; authorizing the department to execute certain contracts if the Secretary of Management Services and the state chief information officer certify certain information in writing; requiring an agency to issue a request for quote to certain vendors approved to provide certain commodities or services in certain circumstances; requiring the department to prequalify firms and individuals to provide certain services on state term contract by a certain date; requiring the department to consider certain information in order to prequalify a firm or individual; providing for the disqualification of a firm or individual from state term contract eligibility; authorizing a prequalified firm or individual to respond to certain requests for quotes; providing an effective date.

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

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

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

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

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

1. Performance measurements and metrics that objectively reflect the status of an information technology project based on a defined and documented project scope, cost, and schedule.
2. Methodologies for calculating acceptable variances in the projected versus actual scope, schedule, or cost of an information technology project.
3. Reporting requirements, including requirements designed to alert all defined stakeholders that an information technology project has exceeded acceptable variances defined and documented in a project plan.
4. Content, format, and frequency of project updates.
5. Technical standards to ensure an information technology project complies with the enterprise architecture.

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

2. When performing the project oversight function specified in subparagraph 1., report at least quarterly to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that the department, acting through the Florida Digital Service, identifies as high-risk due to the project exceeding acceptable variance ranges defined and documented in the project plan. The report shall include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project and a recommendation for corrective actions required, including suspension or termination of the project.

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

- a. Identification of the information technology product and service categories to be included in state term contracts.
- b. Requirements to be included in solicitations for state term contracts.
- c. Evaluation criteria for the award of information technology-related state term contracts.
- d. The term of each information technology-related state term contract.

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

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

g. For an information technology project wherein project oversight is required pursuant to paragraph (d) or paragraph (n), a requirement that independent verification and validation be employed throughout the project lifecycle with the primary objective of independent verification and validation being to provide an objective assessment of products and processes throughout the project lifecycle. An entity providing independent verification and validation may not have technical, managerial, or financial interest in the project and may not have responsibility for, or participate in, any other aspect of the project.

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

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

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

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

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

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

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

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

287.0591 Information technology.—

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

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

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

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

(5) If an agency issues a request for quote to purchase information technology commodities, information technology consultant services, or information technology staff augmentation contractual services from the state term contract, for any contract with 25 approved vendors or fewer, the agency must issue a request for quote to all vendors approved to provide such commodity or service. For any contract with more than 25 approved vendors, the agency must issue a request for quote to at least 25 of the vendors approved to provide such commodity or contractual service. Use of a request for quote does not constitute a decision or intended decision that is subject to protest under s. 120.57(3).

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

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

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.