

June 27, 2005

Ms. Glenda E. Hood
Secretary of State
Florida Department of State
R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Senate Bill 1146, enacted during the 37th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2005, and entitled:

An act relating to procurement of contractual services by an agency . . .

Committee Substitute for Committee Substitute for Senate Bill 1146 relates to the procurement of contractual services and includes language establishing the Center for Efficient Government (“Center”) in statute.

This bill includes a number of accomplishments premised upon well-founded recognitions: the private sector can often perform services with greater efficiency and effectiveness at a lower cost than the State; the State has long been a leader in innovative practices, in part because of its partnerships with the private sector; the State still maintains responsibility for ensuring that the services performed by the private sector on behalf of the State are of high quality, cost-effective, and appropriate functions for the private sector; the State must embrace the same best practices that leading businesses have developed to ensure quality products and services are delivered at an appropriate cost.

I applaud the effort of the Legislature to codify the Center and the “gate” process, initiated by Executive Order No. 04-45 in March 2004, into statute and to subject future procurements to this process. It is essential that a strong, fair, simple and transparent process be institutionalized for the procurement of contractual services.

I am vetoing Committee Substitute for Committee Substitute for Senate Bill 1146, however, because it contemplates an overly cumbersome process that would impose undue challenges upon the Center.

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Specifically, I am concerned the bill would:

- Unnecessarily increase the burden on procuring agencies, especially as it relates to procurement of small projects that may not rise to the level of an extensive multi-agency head review process.
- Substantially delay State procurements by basing their approval upon legislative schedules, very likely resulting in ineffective and inefficient operations.
- Subject small, simple, and even routine procurements to the “gate” process – items that would be more efficiently handled through improved processes within the procuring agency.
- Create additional bureaucracy and procedures that over-burden and complicate, rather than simplify and strengthen, the procurement process.

Some of the provisions of the bill would have been helpful to the operations of the Center; consequently, I have instructed the Secretary of the Department of Management Services to imbed these good provisions and their corresponding everyday best practices into the Department’s basic policies for state procurement. These provisions will:

- Successfully increase operational efficiency for implementation of complex projects in the private sector business environment.
- Direct all agencies under the control of the Governor to render assistance and any necessary resources to support the Department’s operations.
- Require Governor’s agencies to submit for Department review any proposed contractual services procurement estimated to exceed a defined threshold of cost in any fiscal year over the proposed term of the contract.
- Require Department review of contractual services procurements (even those that do not meet the defined threshold) as requested by the Legislature or by an agency head.

Again, I would like to commend the Legislature for contemplating these difficult challenges and for taking a significant step toward institutionalizing a strong, fair, simple and transparent process for the procurement of contractual services.

I am confident that the bill’s deficiencies can be addressed, and look forward to signing legislation codifying the Center into statute that addresses the concerns enlisted herein in the coming months.

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For the reasons discussed above, I withhold my approval of the Committee Substitute for Committee Substitute for Senate Bill 1146, and do hereby veto the same.

Sincerely,

Jeb Bush