



Office of Inspector General  
*Internal Audit*

**AHCA-2324-00002-A**  
**January 2025**

**Contract Monitoring Audit of Select  
Gainwell Technology LLC Contracts**

### **EXECUTIVE SUMMARY**

As part of the Agency for Health Care Administration (Agency) Office of Inspector General's (Office) Fiscal Year 2023-24 Annual Audit Plan, Internal Audit conducted an audit of selected contracts and the contract monitoring process. During the audit, we noted where improvements could strengthen controls in the following areas:

- Gainwell Technologies LLC (Gainwell) did not adequately monitor the Knowli Data Science subcontractor as outlined in the MED037 contract;
- Gainwell did not assess liquidated damages as prescribed in the subcontract agreement with Knowli Data Science;
- The Agency does not have documentation supporting review and approval of Knowli Data Science subcontractor staff qualifications;
- The Agency does not have an established process for documenting validation of the approval of contract manager qualifications outlined in Section 287.057(15), Florida Statutes (F.S.);
- The Agency did not ensure the supervisors of contract managers timely took training required by Section 287.057(18), F.S.;
- The MED037 contract does not contain the updated language required by Section 20.055(5), F.S.; and
- There was not a business associate agreement between the Agency and Knowli Data Science.

Additionally, our Office identified the following opportunities for improvement:

- Subcontractor staff are not clearly identified or known as non-Agency employees;
- Knowli Data Science subcontractor staff working on Agency premises are not adequately separated from Agency staff to ensure proprietary or confidential information, or trade secrets, is not overheard;
- All Agency staff who participate in monitoring contracts should file a conflict-of-interest questionnaire;

- Contracts should comply with all laws, rules, and Chief Financial Officer memos; and
- No centralized list exists for subcontractors associated with Agency contracts.

The Findings and Recommendations section provides details of the audit results. The opportunities for improvement are discussed in a separate section following the Findings and Recommendations. Management responses are included in the Management Response Table on pages 11 through 16.

## **OBJECTIVES, SCOPE, AND METHODOLOGY**

The objectives of this audit were to determine the efficiency and effectiveness of the Agency's contract monitoring and determine if contract monitoring is in accordance with requirements. The scope of this audit included the selected contracts during the 2023 calendar year and review of Agency operations, records, and activities.

The methodology for this audit included the following:

- Correspondence and interviews with Agency, vendor, and subcontractor staff;
- Review of relevant laws, rules, policies, and procedures; and
- Review of relevant contract documents and supporting documentation.

## **BACKGROUND**

The Agency is responsible for administering the Florida Medicaid program. State Medicaid programs must have a Medicaid Management Information System (MMIS) to be eligible for Federal funding. MMIS is a mechanized claims processing and information-retrieval system. The system controls Medicaid business functions, such as: administrative program and cost control; beneficiary and provider inquiries and services; operations of claims control and computer capabilities; and management reporting for planning and control. In 2006, the Agency contracted with Gainwell to provide an MMIS, a Decision Support System, and fiscal agent operations; this contract number is MED037.<sup>1</sup> During our audit scope period, there were two subcontractors for this contract: Knowli Data Science (Knowli) and Magellan Medicaid Administration, Inc.

The Agency participates in the Medicaid Drug Rebate Program, which is a program that includes Centers for Medicare and Medicaid Services, state Medicaid agencies, and participating drug manufacturers that helps offset the Federal and state costs of most outpatient prescription drugs dispensed to Medicaid patients. In 2014, the Agency contracted with Gainwell to provide information technology services for the program; this contract number is MED162.<sup>2</sup> There are no subcontractors for this contract.

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<sup>1</sup> The MED037 contract was entered into between the Agency and Electronic Data Systems Corporation. The contract is now with Gainwell Technologies LLC.

<sup>2</sup> The MED162 contract was entered into between the Agency and Molina Information Systems, LLC D/B/A Molina Medicaid Solutions. The contract is now with Gainwell Technologies LLC.

Each contractual services contract requires a designated Agency employee to function as a contract manager.<sup>3</sup> Chapter 287, F.S., sets forth requirements for contract managers and their supervisors. These requirements include training, certification, and experience. The primary responsibilities of a contract manager include:

1. Participating in the solicitation, development, and review of contract documents;
2. Monitoring the contractor's progress and performance to ensure procured products and services conform to the contract requirements and keep timely records of findings;
3. Managing and documenting any changes to the contract through the amendment process authorized by the terms of the contract;
4. Monitoring the contract budget to ensure sufficient funds are available throughout the term of the contract; and
5. Exercising applicable remedies, as appropriate, when a contractor's performance is deficient.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1 – Gainwell did not adequately monitor the Knowli Data Science subcontractor as outlined in the contract.**

We found Gainwell did not adequately monitor the Knowli subcontractor as outlined in the contract. The MED037 contract states Gainwell shall be responsible for monitoring the subcontractor's performance. Also, the Knowli subcontractor agreement states the Gainwell Project Manager is responsible for the overall conduct of the subcontractor services and for the accuracy and content of the subcontractor agreement's statement of work. During interviews with Gainwell and the Agency, we were advised that Gainwell does not monitor the Knowli subcontractor, the Agency<sup>4</sup> does. However, there was no written documentation to support this deviation from contract requirements. Furthermore, neither the Agency nor Gainwell participated in verifying Knowli staff time worked.

Without adequate subcontractor monitoring, the Agency has reduced assurance of services rendered.

### **Recommendations**

1. We recommend the MED037 contract be amended to state the Agency is responsible for monitoring Knowli Data Science subcontractor staff, including but not limited to verifying time worked by Knowli subcontractor staff.

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<sup>3</sup> Section 287.057(15)(a), Florida Statutes.

<sup>4</sup> Specifically, the Bureau of Medicaid Data Analytics.

**Finding 2 – Gainwell did not assess liquidated damages as prescribed in the subcontract agreement with Knowli Data Science.**

Gainwell did not assess liquidated damages as prescribed in the Knowli subcontractor agreement. The Knowli subcontractor agreement states personnel vacancies that are not filled within 30 days of a vacancy are subject to liquidated damages. There was a vacant position between March 10, 2023, and May 21, 2023, which is a total of 72 days. Knowli notified Gainwell of their selection of a candidate on April 18, 2023, which is 39 days after the position became vacant. Knowli informed us that they have no control over the timeframe in which the Agency approves a candidate, and that timeframe is impacted by the multiple layers of reviews of the applicant that the Agency requests. With the 72-day vacancy, there was limited assurance that the required services were provided.

The Knowli subcontractor agreement also states if staffing levels are more than five percent below the requirement of the contract, actual damages will be assessed. The Knowli subcontractor agreement does not have clear direction for calculating the staff vacancy percentage. We calculated the staff vacancy percentage based on the number of vacant days in a year (72 of 365 days = 19.7%) and on the number of vacant positions (1 of 9 vacant = 11.11%). Gainwell and Knowli calculate the staff vacancy percentage based on Knowli subcontractor staff's time worked. Their method of calculation shows that Knowli's staff vacancy percentage did not meet the five percent threshold which would result in actual damages. Neither the Agency nor Gainwell validated time worked by Knowli staff. Without clear direction for calculating the staff vacancy percentage, this can lead to inconsistency in calculation.

***Recommendations***

1. We recommend Gainwell assess the liquidated damages related to the vacancy over 30 days.
2. We recommend the Agency improve their process for monitoring Knowli subcontractor staffing levels, including but not limited to ensuring staff vacancies are filled in a timely manner.
3. We recommend Gainwell update their subcontractor agreement with Knowli to include a specific methodology for calculating staff vacancy percentages.

**Finding 3 – The Agency does not have documentation supporting review and approval of Knowli Data Science subcontractor staff qualifications.**

The Agency does not have documentation that review and approval of Knowli subcontractor staff qualifications occurred. The Knowli subcontractor agreement identifies qualifications and skills required to work on the MED037 contract. The Gainwell contract states the Agency reserves the right to approve or disapprove any proposed changes in staff, and the Agency chooses to review the final potential staff.

Prior to the appointment of the current Medicaid Data Analytics Bureau Chief (who monitors Knowli), documentation of the review and approval of the Knowli subcontractor staff was not maintained. Without proof that the Agency reviewed and approved

subcontractor staff qualifications, the Agency lacks assurance that the subcontractor staff are adequately qualified to provide the prescribed services.

### ***Recommendations***

1. We recommend the Division of Health Care Finance and Data strengthen the process for review and approval of qualifications of subcontractor staff and documentation thereof.

### ***Finding 4 – The Agency does not have an established process for documenting validation of the approval of contract manager qualifications outlined in Section 287.057(15), F.S.***

The Agency does not have an established process for documenting validation of the approval of contract manager qualifications outlined in Section 287.057(15), F.S. In November 2022, the contract managers of the two contracts filed a Contract Manager Certification and Experience Attestation Form. This form was used one time as a survey. The form was not approved by previous Agency leadership, and it has not been discussed with current Agency leadership.

The Agency lacks adequate procedures to ensure compliance with Section 287.057(15), F.S. Without ensuring contract managers are qualified prior to being assigned a contract, the Agency cannot ensure the contract will be properly managed or monitored. Without a validation process, the Agency is at an increased risk of noncompliance with statute.

### ***Recommendations***

1. We recommend the Bureau of Purchasing and Contract Administration (BPCA) establish a process for documenting validation of the approval of contract manager qualifications prior to appointment to ensure only qualified contract managers are appointed to contracts.

### ***Finding 5 – The Agency did not ensure the supervisors of contract managers timely took training required by Section 287.057(18), Florida Statutes.***

We found the Agency did not ensure the supervisors of contract managers timely completed the training required by Section 287.057(18), F.S. This section requires the supervisors of contract managers to annually complete public procurement training for supervisors within 12 months after appointment to the supervisory position.

We reviewed a report from the Agency's Bureau of Human Resources (HR) of Agency employees who have completed the procurement for supervisors training. The supervisors of the contract managers of the two contracts we reviewed for this audit (MED037 and MED162) had not completed the statutory requirement for this training.

We asked the two supervisors of the contract managers if they knew about the required training; they did not. There was no process in place to assign the required training to

newly appointed supervisors of contract managers. BPCA stated they do not have the ability to assign the training and have to coordinate with the Agency's HR and sometimes with the Florida Department of Management Services to assign the training for Agency employees. During fieldwork, we noted that one of the contract managers partially completed the training after notification from our Office.

Without completing this training, the Agency cannot ensure contract managers are appropriately supervised. Further, the Agency is not in compliance with the statute.

### ***Recommendations***

1. We recommend BPCA develop and implement a process for notifying newly appointed supervisors over contract managers of the required training, which is to be completed within 12 months of appointment.
2. We also recommend BPCA develop and implement a process for verifying completion of the training.

### ***Finding 6 – The MED037 contract does not contain the updated language required by Section 20.055(5), Florida Statutes.***

Section 20.055(5), F.S., requires every contractor and subcontractor to cooperate with the inspector general in every audit. Beginning July 1, 2015, this requirement must be included in every contract. We found that this updated language is not explicitly stated in the MED037 contract or its amendments. Failure to include this updated language could lead to noncompliance with Section 20.055, F.S.

BPCA does not know what process was in place to ensure this updated language was included in contracts executed prior to July 1, 2015. BPCA stated they will conduct a review of contracts executed prior to July 1, 2015, to identify any active contracts that need this updated language added by amendment.

### ***Recommendations***

1. We recommend the MED037 contract manager execute an amendment to include the updated language required by Section 20.055(5), F.S.
2. We recommend BPCA follow through with their intent to review contracts executed prior to July 1, 2015, to identify any active contracts that need the Section 20.055(5), F.S, updated language added by amendment. The contract managers should be notified if their contract needs to be amended to include this updated language.

### ***Finding 7 – There was not a business associate agreement between the Agency and Knowli Data Science.***

We found there was no Business Associate Agreement (BAA) between the Agency and Knowli. A BAA is required for a subcontractor agreement if the Agency is to disclose

protected health information.<sup>5</sup> There is an existing BAA between Gainwell and Knowli which does not address the specific requirements of 45 CFR § 164.502(e)(1). We notified the Agency of this requirement, and on June 6, 2024, Knowli signed a BAA with the Agency, fulfilling the requirement. Therefore, this finding is complete.

### ***OPPORTUNITIES FOR IMPROVEMENT***

#### ***Opportunity for Improvement 1 – Subcontractor Staff Not Identified or Known as non-Agency Staff.***

Subcontractor staff are not clearly identified or known as non-Agency employees. We found that in the following areas, the Knowli subcontractor staff were not clearly identified as subcontractors:

- Outlook contact cards;
- SharePoint information;
- Office nameplates;
- Email signatures; and
- Access badges are white, which is the same as Agency employees.

#### ***Recommendations***

1. We recommend the Agency:
  - Update the Outlook contact cards and SharePoint information to list the title “Subcontractor” for the subcontractor staff;
  - Require the title “Subcontractor” and identify “Knowli” in all the subcontractor staffs’ email signatures;
  - Add an external message warning for all subcontractor staff;
  - Ask General Services about the feasibility of changing the color of the subcontractor staffs’ access badges to a distinctly different color than Agency staff badges;
  - Change nameplates to remove “Medicaid Data Analytics” and to replace the Agency seal with the Knowli image and list the title “Subcontractor”; and
  - Develop a process for consistently identifying all subcontractor staff, including the areas above.

#### ***Opportunity for Improvement 2 – Knowli Subcontractor Staff Working on Agency Premises.***

The Knowli subcontractor staff working on Agency premises are not adequately separated from Agency staff to ensure proprietary or confidential information, or trade secrets, is not overheard. We found that the office locations of the Knowli subcontractor staff are in or near suites which are not secured by additional badge reader doors. The Knowli subcontractor staff have occupied offices in and around the same area since the start of the Gainwell contract. Without adequate security measures, the on-premises

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<sup>5</sup> This requirement is stated in 45 CFR § 164.502(e)(1).

Knowli subcontractor staff are more likely to overhear confidential or proprietary information, or trade secrets, not related to their job duties.

***Recommendations***

1. We recommend the Agency relocate or secure the on-premises Knowli subcontractor staff to reduce the potential of overhearing confidential or proprietary information, or trade secrets.

***Opportunity for Improvement 3 – Conflict-of-Interest Questionnaires.***

The contract managers for the two contracts reviewed have filed the required conflict-of-interest questionnaire. Although other Agency staff are involved in indirectly monitoring the contract, they have not filed conflict-of-interest questionnaires as they were not required to do so. Without these additional conflict-of-interest questionnaires, the Agency faces risks including but not limited to: undisclosed conflicts, which could lead to jeopardized integrity and fairness of the contract monitoring process; financial impacts due to potentially mismanaged contracts; and loss of organizational credibility. Implementing a requirement for all Agency staff involved in the contract monitoring process to file a conflict-of-interest questionnaire mitigates these risks by ensuring transparency and accountability in the contract management process.

***Recommendations***

1. We recommend BPCA require all Agency staff who participate in directly or indirectly monitoring any part of a contract to file a conflict-of-interest questionnaire. We also recommend this requirement be codified in policy.

***Opportunity for Improvement 4 – Contracts Should Comply with New and Updated Laws, Rules, and Chief Financial Officer Memos.***

We have observed that contracts do not meet all Florida laws and rules, and Chief Procurement Officer memos, such as the missing language required by Section 20.055(5), F.S. Due to the active MED037 contract having been executed prior to July 1, 2015, it is possible other active contracts executed prior to that date may have the same issue and need to be reviewed and addressed. If active contracts do not meet existing and new requirements, then the contracts could be out of compliance with those requirements.

***Recommendations***

1. We recommend BPCA collaborate with the Office of General Counsel to develop and implement a process for ensuring contracts comply with rules, statutes, and Chief Financial Officer memos as they are updated or created.



**Opportunity for Improvement 5 – List of Subcontractor Vendors.**

We found that no centralized list exists for subcontractors associated with Agency contracts. While vendor preference does not apply to subcontractors, there can be an appearance of preference if the Agency frequently subcontracts with certain vendors or if a vendor provides a large percentage of services identified in the prime contract.

**Recommendations**

1. We recommend BPCA:
  - Create a process for creating and maintaining a centralized list documenting subcontractors associated with Agency contracts; and
  - Require contract managers to review the list of subcontractors during the vetting process.

**ACKNOWLEDGEMENT**

The Office of Inspector General Internal Audit Unit would like to thank management and staff of the Agency's divisions of Health Care Finance; Health Care Data; Medicaid Operations and Contracts; Information Technologies; and Operations Internal and External for their assistance and cooperation extended to our Office during this engagement.

**PROJECT TEAM**

The audit was conducted and supervised by:

- Molly Donovan, CIGA, Senior Management Analyst II;
- Joann Hartmann, CIGA, MAT, Senior Management Analyst Supervisor;
- Karen Preacher, CIA, CIGA, CFE, CIG, Audit Director; and
- Brian Langston, CIG, CIGA, CIGI, Inspector General.

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Better Health Care for All Floridians.

The Inspector General's Office conducts audits and reviews of Agency programs to assist the  
Secretary and other Agency management in fulfilling this mission.

This engagement was conducted pursuant to Section 20.055, Florida Statutes, and in accordance with  
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mail at Agency for Health Care Administration, 2727 Mahan Drive,  
Mail Stop #5, Tallahassee, FL 32308.

No.	Finding Statements	Recommendations	Management Responses	Anticipated Completion Date and Contacts
1	Gainwell did not adequately monitor the Knowli Data Science subcontractor as outlined in the contract.	1. We recommend the MED037 contract be amended to state the Agency is responsible for monitoring Knowli Data Science subcontractor staff, including but not limited to verifying time worked by Knowli subcontractor staff.	<p><i>Responsible party:</i>  MED037 Contract Manager</p> <p><u>Response:</u>  There will be no updates to the MED037 contract concerning Knowli. Knowli will no longer be a subcontractor effective 06/30/2025. If, for any reason, that situation changes, the MED037 contract will be updated.</p>	<p><u>Anticipated Completion Date:</u>  June 30, 2025</p> <p><u>Contacts:</u>  Cheryl A. Travis, Bureau Chief of Medicaid Fiscal Agent Operations, and MED037 Contract Manager</p>
2	Gainwell did not assess liquidated damages as prescribed in the subcontract agreement with Knowli Data Science.	1. We recommend Gainwell assess the liquidated damages related to the vacancy over 30 days.	<p><i>Responsible party:</i>  Gainwell Technologies LLC</p> <p><u>Response:</u>  Gainwell will take the Agency’s recommendation for assessing liquidated damages for any future vacancies over 30 days.</p>	<p><u>Anticipated Completion Date:</u>  June 30, 2025</p> <p><u>Contacts:</u>  Karey Estingoy, Senior Principal, FL Client Leader  Mary Bliss, FMMIS Deputy</p>

No.	Finding Statements	Recommendations	Management Responses	Anticipated Completion Date and Contacts
		<p>2. We recommend the Agency improve their process for monitoring Knowli subcontractor staffing levels, including but not limited to ensuring staff vacancies are filled in a timely manner.</p>	<p><i>Responsible party:</i>  MED037 Contract Manager</p> <p><u>Response:</u>  Knowli will no longer be a subcontractor effective 06/30/2025. If, for any reason, that situation changes, the Knowli monitoring methods will be modified.</p>	<p><u>Anticipated Completion Date:</u>  June 30, 2025</p> <p><u>Contacts:</u>  Cheryl A. Travis, Bureau Chief of Medicaid Fiscal Agent Operations, and MED037 Contract Manager</p>
		<p>3. We recommend Gainwell update their subcontractor agreement with Knowli to include a specific methodology for calculating staff vacancy percentages.</p>	<p><i>Responsible party:</i>  Gainwell Technologies LLC</p> <p><u>Response:</u>  Gainwell will take the Agency’s recommendation under advisement. The Knowli SOW extension is currently routing for signature.</p>	<p><u>Anticipated Completion Date:</u>  June 30, 2025</p> <p><u>Contacts:</u>  Karey Estingoy, Senior Principal, FL Client Leader  Mary Bliss, FMMIS Deputy</p>

No.	Finding Statements	Recommendations	Management Responses	Anticipated Completion Date and Contacts
3	The Agency does not have documentation supporting review and approval of Knowli Data Science subcontractor staff qualifications.	1. We recommend the Division of Health Care Finance and Data strengthen the process for review and approval of qualifications of subcontractor staff and documentation thereof.	<p><i>Responsible party:</i>  Division of Health Care Finance and Data</p> <p><u>Response:</u>  The Division of Health Care Finance and Data will implement a more robust review process of potential Knowli subcontractors and update our internal practice of documentation.</p>	<p><u>Anticipated Completion Date:</u>  January 15, 2025</p> <p><u>Contacts:</u>  Alex Ford, Bureau Chief of Medicaid Data Analytics</p>

No.	Finding Statements	Recommendations	Management Responses	Anticipated Completion Date and Contacts
4	The Agency does not have an established process for documenting validation of the approval of contract manager qualifications outlined in Section 287.057(15), F.S.	1. We recommend the Bureau of Purchasing and Contract Administration establish a process for documenting validation of the approval of contract manager qualifications prior to appointment to ensure only qualified contract managers are appointed to contracts.	<p><i>Responsible party:</i>  Bureau of Purchasing and Contract Administration</p> <p><u>Response:</u>  BPCA will require Contract Managers to submit a “Contract Manager Certification &amp; Compliance Form” when submitting a new contract or Contract Manager name change amendment in CATS for routing. Policy 4006 will also be updated to include these requirements. If a Contract Manager does not meet the statutory requirements, BPCA staff will notify their division director or equivalent of the non-compliance issue. However, BPCA staff does not have authority to reject a proposed Contract Manager, and thereby, delay or prevent an Agency contract from being executed.</p>	<p><u>Anticipated Completion Date:</u>  February 28, 2025</p> <p><u>Contacts:</u>  Trey Collins, Bureau Chief of Purchasing and Contract Administration</p>

No.	Finding Statements	Recommendations	Management Responses	Anticipated Completion Date and Contacts
5	The Agency did not ensure the supervisors of contract managers timely took training required by Section 287.057(18), Florida Statutes.	1. We recommend the Bureau of Purchasing and Contract Administration develop and implement a process for notifying newly appointed supervisors over contract managers of the required training, which is to be completed within 12 months of appointment.	<p><i>Responsible party:</i>  Bureau of Purchasing and Contract Administration</p> <p><u>Response:</u>  BPCA has a process for identifying and notifying new supervisors of Contract Managers and will document this process in an internal Job Aid.</p>	<p><u>Anticipated Completion Date:</u>  January 17, 2025</p> <p><u>Contacts:</u>  Trey Collins, Bureau Chief of Purchasing and Contract Administration</p>
		2. We also recommend the Bureau of Purchasing and Contract Administration develop and implement a process for verifying completion of the training.	<p><i>Responsible party:</i>  Bureau of Purchasing and Contract Administration</p> <p><u>Response:</u>  BPCA has a process to verify that the training has been completed and will document this process in an internal Job Aid. However, we do not have the authority to compel supervisors to take the training.</p>	<p><u>Anticipated Completion Date:</u>  January 17, 2025</p> <p><u>Contacts:</u>  Trey Collins, Bureau Chief of Purchasing and Contract Administration</p>

No.	Finding Statements	Recommendations	Management Responses	Anticipated Completion Date and Contacts
6	The MED037 contract does not contain the updated language required by Section 20.055(5), Florida Statutes.	1. We recommend the MED037 contract manager execute an amendment to include the updated language required by Section 20.055(5), Florida Statutes.	<p><i>Responsible party:</i>  MED037 Contract Manager</p> <p><u>Response:</u>  MED037, Amendment 67, executed 12/04/2024, includes this language.</p>	<p><u>Anticipated Completion Date:</u>  December 4, 2024</p> <p><u>Contacts:</u>  Cheryl A. Travis, Bureau Chief of Medicaid Fiscal Agent Operations, and MED037 Contract Manager</p> <p><b>Internal Audit verified completion, December 2025.</b></p>
		2. We recommend the Bureau of Purchasing and Contract Administration follow through with their intent to review contracts executed prior to July 1, 2015, to identify any active contracts that need the Section 20.055(5), Florida Statutes, updated language added by amendment. The contract managers should be notified if their contract needs to be amended to include this updated language.	<p><i>Responsible party:</i>  Bureau of Purchasing and Contract Administration</p> <p><u>Response:</u>  BPCA will conduct a review of contracts executed prior to July 1, 2015, to identify and amend any active contracts that do not include the language required by Section 20.055(5), Florida Statutes</p>	<p><u>Anticipated Completion Date:</u>  March 31, 2025</p> <p><u>Contacts:</u>  Trey Collins, Bureau Chief of Purchasing and Contract Administration</p>