

FLORIDA PROCUREMENT CODE

Fiscal Year End: June 30

1. **Prequalifications:** Yes. Must be registered in My Florida Market Place to be awarded bids with FL agencies.
 - a. **FL Code 60A-1.030(2)** → An agency shall not enter into an agreement for the sale of commodities or contractual services as defined in Section 287.012, F.S., with any vendor not registered in the MyFloridaMarketPlace system...
 - b. **FL Code 60A-1.031(1)** → The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide eProcurement system. Pursuant to Section 287.057(23), F.S., (2002), all payments shall be assessed a Transaction Fee of one percent (1.0%), which the vendor shall pay to the State.

2. **Auto-drop:** Yes. Failure to pay Transaction Fee results in automatic removal from My Florida Market Place (and restriction from bidding in state contracts).
 - a. **FL Code 60A_1.031(1)** → **Failure** to comply with these requirements shall constitute grounds for declaring the vendor in default and recovering reprocurement costs from the vendor in addition to all outstanding fees. VENDORS DELINQUENT IN PAYING TRANSACTION FEES SHALL BE EXCLUDED FROM CONDUCTING FUTURE BUSINESS WITH THE STATE.

3. **Life Cycle Costing (LCC):** Only specifies that the bid must meet the qualifications set forth in the bid. Therefore, if the bid includes LCC, then LCC is acceptable.
 - a. **FL Statute 287.057.4** → The contract shall be awarded by written notice to the responsible and responsive vendor whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price and other criteria set forth in the request for proposals. The contract file shall contain documentation supporting the basis on which the award is made.
 - b. **FL Code 60D-5.007.3** → On projects whose bidding documents provide for evaluation of the bids based on first cost and life cycle cost and performance criteria, the lowest bid will be the bid by the firm whose bid products are determined to yield the lowest total cost in accordance with the criteria set forth in the bidding documents

4. **Piggybacking:** Allowed.
 - a. **FL Code 60A-1.047.5** → Cooperative Purchasing. An agency may include language in a term contract authorizing the Department to approve the contract as an alternate contract source if requested by another agency. The Department recommends the following sentence: “As provided in Section 287.042(16)(a), F.S., other state agencies may purchase from the resulting contract, provided that the Department of Management Services has determined that the contract’s use is cost-effective and in the best interest of the State. Upon such approval, the Contractor may, at its discretion, sell these commodities or services to additional agencies, upon the terms and conditions contained herein.”

5. **Recycle Preferences:** Yes. Required when available
 - a. **FL Statute 403.7065.1** → Except as provided in ¹s. [287.045](#), any state agency or agency of a political subdivision of the state which is using state funds, or any person contracting with any such agency with respect to work performed under contract, is required to

procure products or materials with recycled content when the Department of Management Services determines that those products or materials are available. A decision not to procure such items must be based on the Department of Management Services' determination that such procurement is not reasonably available within an acceptable period of time, fails to meet the performance standards set forth in the applicable specifications, or fails to meet the performance standards of the agency. When the requirements of ¹s. [287.045](#) are met, agencies shall be subject to the procurement requirements of that section for procuring products or materials with recycled content.

6. Minority/Small/Disadvantaged Business Enterprise preferences: Yes. A **10% price preference** is given to MBEs when the state is not meeting its MBE goals. Also, a **weighted price preference** is given to MBEs when the state is meeting its MBE goals. Bids that fall within a certain price range may be **set aside** for MBE participation only when a certain number of MBEs are certain to bid. Also **preference** to products made by workshops for the **blind or severely handicapped**.

- a. **FL Code 60A-9.003(5)** → 10% Price Preference: A 10% Price Preference may be included on all bids not utilizing the full industry goal available by law, and on those bids that do not have enough certified minorities in that industry class to warrant reservation. The 10% price preference means that if a certified minority business comes within 10% of the lowest responsive bidder, and that bidder is not an MBE, the agency has the authority to award the contract to the MBE.
- b. **FL Code 60A-9.003(6)** → Weighted Preference Formula: The weighted preference formula may be used on all bids with the industry goal. The formula is not to be altered or changed. The bid specifications must include the language that the weighted formula will be utilized in adjusting bid prices based on MBE participation.
- c. **FL Code 60A-9.003 (7)** → Contract Reservation for MBE participation only: Contracts of less than \$500,000.00 may be reserved for MBE participation only, when there are at least two (2) or more qualified and capable MBEs to bid. Contracts of \$500,000.00 to \$3 million may be reserved for MBE participation only, when there are three (3) or more qualified and capable MBEs to bid. Contracts over \$3 million to \$10 million may be reserved for MBE participation only, when there are five (5) or more qualified and capable MBEs to bid. Contracts of \$10 million or more may be reserved for MBE participation if the OSD and the Agency have determined there is enough competition among certified minority businesses, and that the reservation will enhance the agency's opportunity for greater MBE participation.
- d. **FL Code 60E-1.005.3.d** If a commodity or service is available from both an employment center and under a state term contract, the agency or eligible user may purchase such commodity or service from whichever of the two procurement options provides the best value to the agency or eligible user.

7. Cooperative Purchasing

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information <http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

***** Florida Statutes:**

<http://www.flsenate.gov/Statutes/index.cfm?Tab=statutes&submenu=-1>

*****Florida Administrative Code:**

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=60A-1>