

By Senator Latvala

16-01514-11

20111510__

1 A bill to be entitled
2 An act relating to state procurement of personal
3 property and services; amending s. 287.012, F.S.;
4 defining the term "off-the-shelf commodities";
5 amending s. 287.056, F.S.; authorizing the purchase of
6 off-the-shelf commodities that are available under
7 purchasing agreements and state term contracts when
8 such purchases are in the best interest of the state;
9 amending s. 287.057, F.S.; requiring the purchase of
10 generic equivalent off-the-shelf commodities under
11 certain circumstances; amending s. 283.33, F.S.;
12 conforming a cross-reference; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Present subsections (18) through (28) of section
18 287.012, Florida Statutes, are renumbered as subsections (19)
19 through (29), respectively, and a new subsection (18) is added
20 to that section, to read:

21 287.012 Definitions.—As used in this part, the term:
22 (18) "Off-the-shelf commodities" means any supplies,
23 materials, goods, merchandise, food, or other personal property
24 that are consumable in nature and have no inherent
25 characteristics that are or could be deemed proprietary.

26 Section 2. Subsection (3) of section 287.056, Florida
27 Statutes, is amended, and subsection (4) is added to that
28 section, to read:

29 287.056 Purchases from purchasing agreements and state term

16-01514-11

20111510__

30 contracts.—

31 (3) Agencies and eligible users may use a request for quote
32 to obtain written pricing or services information from a state
33 term contract vendor for commodities or contractual services
34 available on state term contract from that vendor or to obtain
35 written pricing from a qualified vendor to purchase off-the-
36 shelf commodities from that vendor. The purpose of a request for
37 quote is to determine whether a price, term, or condition more
38 favorable to the agency or eligible user than that provided in
39 the state term contract is available. Use of a request for quote
40 does not constitute a decision or intended decision that is
41 subject to protest under s. 120.57(3).

42 (4) Notwithstanding subsection (1), if it is in the best
43 interest of the state, agencies and eligible users may purchase
44 off-the-shelf commodities, which are otherwise available under
45 purchasing agreements established or state term contracts
46 procured by the department or any agency pursuant to s. 287.057,
47 from any qualified vendor if the price, terms, or conditions are
48 more favorable than those in the respective purchasing agreement
49 or state term contract.

50 Section 3. Subsection (24) is added to section 287.057,
51 Florida Statutes, to read:

52 287.057 Procurement of commodities or contractual
53 services.—

54 (24) When purchasing off-the-shelf commodities, an agency
55 or eligible user shall purchase the generic equivalent of brand
56 name, off-the-shelf commodities unless the agency or eligible
57 user can provide adequate justification for the purchase of
58 similar brand name products.

16-01514-11

20111510__

59 Section 4. Subsection (1) of section 283.33, Florida
60 Statutes, is amended to read:

61 283.33 Printing of publications; lowest bidder awards.—

62 (1) Publications may be printed and prepared in-house, by
63 another agency or the Legislature, or purchased on bid,
64 whichever is more economical and practicable as determined by
65 the agency. An agency may contract for binding separately when
66 more economical or practicable, whether or not the remainder of
67 the printing is done in-house. A vendor may subcontract for
68 binding and still be considered a responsible vendor,
69 notwithstanding s. 287.012(25) ~~287.012(24)~~.

70 Section 5. This act shall take effect July 1, 2011.