

1 A bill to be entitled
 2 An act relating to procurement of personal property and
 3 services; amending s. 287.012, F.S.; defining "off-the-
 4 shelf commodity"; amending s. 287.056, F.S.; authorizing
 5 agencies and eligible users to use a request for quote to
 6 obtain written pricing from any qualified vendor for the
 7 purchase of off-the-shelf commodities; authorizing
 8 agencies and eligible users to purchase off-the-shelf
 9 commodities otherwise available under purchasing
 10 agreements and state term contracts under specified
 11 conditions; amending s. 287.057, F.S.; requiring agencies
 12 and eligible users to purchase the generic equivalent of
 13 brand name off-the-shelf commodities unless adequate
 14 justification can be provided for the purchase of similar
 15 brand name products; providing an effective date.

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

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 19 Section 1. Subsection (5) of section 287.012, Florida
 20 Statutes, is amended to read:

21 287.012 Definitions.—As used in this part, the term:

22 (5) (a) "Commodity" means any of the various supplies,
 23 materials, goods, merchandise, food, equipment, information
 24 technology, and other personal property, including a mobile
 25 home, trailer, or other portable structure with floor space of
 26 less than 5,000 square feet, purchased, leased, or otherwise
 27 contracted for by the state and its agencies.

28 (b) "Commodity" also includes:

29 1. Interest on deferred-payment commodity contracts
 30 approved pursuant to s. 287.063 entered into by an agency for
 31 the purchase of other commodities. ~~However, commodities~~
 32 ~~purchased for resale are excluded from this definition.~~

33 2. When let upon contract pursuant to s. 283.33, printing
 34 of publications ~~shall be considered a commodity when let upon~~
 35 ~~contract pursuant to s. 283.33,~~ whether purchased for resale or
 36 not.

37 3. "Off-the-shelf commodity," which means any of the
 38 various supplies, materials, goods, merchandise, food, and other
 39 personal property which are consumable in nature and have no
 40 inherent characteristics which are or could be deemed
 41 proprietary.

42 (c) Commodities purchased for resale are excluded from
 43 this definition.

44 Section 2. Subsection (3) of section 287.056, Florida
 45 Statutes, is amended, and a new subsection (4) is added to that
 46 section, to read:

47 287.056 Purchases from purchasing agreements and state
 48 term contracts.—

49 (3) (a) Agencies and eligible users may use a request for
 50 quote to obtain:

51 1. Written pricing or services information from a state
 52 term contract vendor for commodities or contractual services
 53 available on state term contract from that vendor.

54 2. Written pricing information from any qualified vendor
 55 for the purchase of off-the-shelf commodities from that vendor.

56 (b) The purpose of a request for quote is to determine

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57 whether a price, term, or condition more favorable to the agency
58 or eligible user than that provided in the state term contract
59 is available.

60 (c) Use of a request for quote does not constitute a
61 decision or intended decision that is subject to protest under
62 s. 120.57(3).

63 (4) Notwithstanding subsection (1), when it is in the best
64 interests of the state, agencies and eligible users may purchase
65 off-the-shelf commodities otherwise available under purchasing
66 agreements established and state term contracts procured
67 pursuant to s. 287.057 by the department or any agency from any
68 qualified vendor, providing that the price, term, or condition
69 is more favorable than that provided in the respective
70 purchasing agreement or state term contract.

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

73 287.057 Procurement of commodities or contractual
74 services.—

75 (24) When purchasing off-the-shelf commodities, agencies
76 and eligible users must purchase the generic equivalent of
77 brand-name, off-the-shelf commodities unless they can provide
78 adequate justification for the purchase of similar brand-name
79 products.

80 Section 4. This act shall take effect July 1, 2011.