

Section 1: OVERVIEW

DIVISION / PROGRAM AREA

This document establishes the Florida Department of Management Services' policies and procedures for the procurement and contracting of commodities and services within the Department of Management Services (the "Department") in order to obtain the best value for the State.

POLICY

It is the policy of Departmental Purchasing to provide purchasing services that are responsive to the needs of the programs and facilities of the Department. These purchasing responsibilities will be accomplished within the framework of state and federal laws, administrative procedures, including the rules of State Purchasing and other divisions of the Department, and departmental regulations.

Principles

The Department has established a purchasing philosophy that adheres to the following principles:

- A. **Legality and Ethics:** Strict adherence to the requirements of the law, unaffected by personal gain or personal relationships;
- B. **Effective Service:** Getting Department users what they need when they need it;
- C. **Efficiency:** Achieving maximum value with minimum resources and time;
- D. **Economy:** Obtaining maximum benefit for the dollars expended;
- E. **Fairness:** Offering competitive opportunities to the maximum number of contractors and suppliers; and
- F. **Diversity:** With every purchase, supplier diversity should be considered. If the product and price are competitive, made the purchase from the vendor who embraces diversity.

Ethics in Procurement

These standards have been paraphrased and are not intended to interpret or revise the statutes. For legal applications, refer to cited statutes or consult legal counsel.

- A. **Solicitation or Acceptance of Gifts:** No employee of this Department shall solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the official action or judgment of the employee would be influenced pursuant to section

112.313(2,) F.S.,

http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0112/ch0112.htm ;

- B. Doing Business with One's Agency: No purchasing agent acting in his or her official capacity shall either directly or indirectly purchase, rent or lease any realty, goods, or service for this Department from any business entity that he or she or his or her spouse, or child is an officer, partner, director, or proprietor of that officer, or his or her spouse of child, or any combination of them, has a material interest. Nor shall an employee acting in a private capacity rent, lease, or sell any realty, goods or services to this Department pursuant to Section 112.323(3), Florida Statutes,
http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0112/ch0112.htm ;
- C. Unauthorized Compensation: No employee of this department or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value, that may appear or be perceived to influence an action in that the employee is expected to participate in his or her official capacity pursuant to section 112.313(4), Florida Statutes,
http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0112/ch0112.htm ;
- D. Misuse of Public Position: No employee of the Department shall corruptly use or attempt to use his or her official position, or perform his or her official duties to secure special privilege, benefit, or exemption for himself, herself, or others. This section shall not be constructed to conflict with Section 112.313(6), Florida Statutes,
http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0112/ch0112.htm ;
- E. Conflicting Employment or Contractual Relationship: No employee of this Department shall have or hold any employment or contractual relationship with any business entity or any Department that is subject to the regulation of, or is doing business with, the Department. Nor shall an employee of the Department have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of this or her public duties or that would impede the full and faithful discharge of his or her public duties pursuant to Section 112.313(7), Florida Statutes,
http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0112/ch0112.htm ;
- F. Disclosure of Use of Certain Information: No employee of this Department shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal benefit, personal gain, or benefit of any other person or business entity pursuant to Section 112.313(8), Florida Statutes,
http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0112/ch0112.htm ;

1. Department personnel engaged as contracting officers should neither solicit nor accept gratuities, favors, or anything of monetary or material value from contractors or potential contractors.
2. All procurement transactions, regardless of dollar value, shall be conducted in a manner so as to provide maximum open and free competition. Personnel shall be alert to conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade.
3. Positive efforts will be made to utilize minority business as sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to complete.
4. No Department employee who participates in the purchasing/contracting decision process or in any other advisory capacity in the procurement of commodities or contractual services shall become or be, while a Department employee, the employee of a person contracting with the Department.

Responsibilities

It is the responsibility of the Departmental Purchasing to provide various types of procurement services that are responsive to the different needs of the programs and facilities that it supports. These responsibilities will be accomplished within the framework of state and federal laws, the Florida Administrative Code, and the Department's policies.

- A. It is the responsibility of the Departmental Purchasing Section to:
 1. Develop, maintain and disseminate uniform Department policies, procedures and guidelines governing procurement activities;
 2. Provide technical assistance, training and administrative guidance relating to procurement activities to Department personnel;
 3. Monitor the implementation of purchasing policies and procedures through the Department;
 4. Develop standard forms for the purchase of commodities and contractual services;
 5. Serve as the Department liaison with State Purchasing in matters relative to procurement;
 6. Assist in budget preparation by providing cost information and commodity availability;

7. Develop Department bids/contract, conduct central Departmental purchasing, and carry out county purchasing activities as identified;
 8. Conduct special studies and projectives relative to procurement;
 9. Process exceptional purchase requests;
 10. Develop and administer the Department's supplier diversity program in accord with the OneFlorida Initiative;
 11. Review purchasing card purchases for compliance with state law, and Departmental purchasing policy; and
 12. Act as administrative lead on all formal competitive solicitations;
- B. State Agencies may purchase only items necessary to carry out statutory duties and should select items on an economically prudent and cost effective basis. Items should not be chosen to satisfy the personal preference of individuals. Examples of disallowed purchases include, but are not limited to, the following:
1. Congratulatory or condolence telegrams;
 2. Plants, flowers, pictures, plaques, statues, globes, and other decorative items except those associated with fixed capital outlay projects or an approved awards program;
 3. Entertainment. Unless specifically allowed by Florida Statutes;
 4. Refreshments. Unless specifically allowed by Florida Statutes;
 5. Convenience appliances, including, but not limited to heaters, fans, refrigerators, stoves, microwaves, dishwashers, coffee makers and smoke filters;
 6. More expensive office supplies, furniture, lamps, etc., not necessary to meet a legitimate need;
 7. Items not purchased in accordance with applicable federal, state, or local laws and ordinances; and
 8. When in doubt about the appropriateness of a purchase, contact your purchasing office for guidance.

CONTACT US

Fax Number: 850.922.6149

Mailing Address:

4050 Esplanade Way, Suite 260
Tallahassee, Florida 32399-0950

Procurement of Commodities and Services (revised 04/19/06)		
Kaye Robertson, Purchasing Manager	850.488.3158	Kaye.Robertson@dms.myflorida.com
Gloria Dixon, Purchasing Analyst	850.410.1423	Gloria.Dixon@dms.myflorida.com
Peggy Yown, Purchasing Analyst	850.922.7513	Peggy.Yown@dms.myflorida.com
Patty Davis, Purchasing Analyst	850.410.2404	Patty.Davis@dms.myflorida.com
Lila Dyer, Purchasing Agent III	850.410.1308	Lila.Dyer@dms.myflorida.com
Bonita Paige MBE Coordinator	850.414.8489	Bonita.Paige@dms.myflorida.com

Contract Administration of Commodities and Services (revised 04/19/06)		
DMS - Kaye Robertson, Agency Contract Administrator	850.488.3158	Kaye.Robertson@dms.myflorida.com
DMS -Kris Parks, Agency Contract Administrator	850.414.9712	Kris.Parks@dms.myflorida.com
Division Contract Administrator's (revised 02/15/06)		
ADAWG – Julia Kates	850.922.4103	Julia.Kates@dms.myflorida.com
BCP – Terry Rocco	850.410.1553	Terry.Rocco@dms.myflorida.com
DSGI – Dick Barnum	850.921.4501	Dick.Barnum@dms.myflorida.com
EITS – Stu Pollins	850.922.7410	Stu.Pollins@dms.myflorida.com
Facilities –Patti Sanders	850.413.9584	Pattii.Sanders@dms.myflorida.com
Fleet – Debbie Burch	850.488.5179	Debbie.Burch@dms.myflorida.com
HRM – Libby Farmer	850.921.7931	Libby.Farmer@dms.myflorida.com
OSD – Curtis Corbin	850.921.6145	Curtis.Corbin@dms.myflorida.com
Retirement – Jerry Haynes	850.414.6358	Jerry.Haynes@dms.myflorida.com
State Purchasing – Chuck Bruce	850. 487.9981	Churck.Bruce@dms.myflorida.com

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