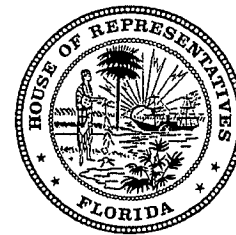


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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

September 5, 2008

Ms. Kelley Scott
Division of State Purchasing
Department of Management Services
4050 Esplanade Way, Suite 360
Tallahassee, Florida 32399-0950

**RE: Department of Management Services
Rule 60A-1.044, F.A.C.**

Dear Ms. Scott:

Pursuant to the authority granted to the committee in s. 120.545(1), F.S., to examine existing rules, I have reviewed the referenced rule and have the following comments:

This rule addresses state term contracts which are procured by the department pursuant to s. 287.057, F.S. Section 287.056, F.S., requires state agencies to purchase commodities and contractual services from purchasing agreements established and state term contracts procured, pursuant to s. 287.057, by the department.

Subsection (3) of the rule provides exceptions to the requirement that agencies purchase commodities and contractual services through state term contracts if:

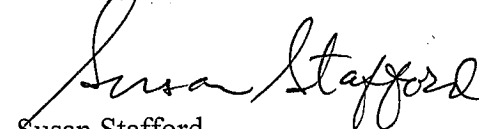
- (a) The purchase amount does not exceed the greater of \$250 or any threshold amount established in the state term contract; or
- (b) The agency determines in writing that the state term contract item cannot meet an agency need because of one of these factors: unavailability of the contract item within agency schedule or delivery requirements; need for compatibility with existing equipment or systems; or the contract item fails to meet agency-required specifications, quality levels or technical requirements; or

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(c) The state term contract expressly designates that it is a non-exclusive contract, which designation may be conditional, e.g., require any off-contract vendors to match or beat the contract price.

Please provide a citation to the specific section of the Florida Statutes that authorizes the department to create these exceptions.

Sincerely,



Susan Stafford
Chief Attorney

SS:SA WORD/SUSAN/EXISTING RULE REVIEW.TRACKING #1188.090508.DOCX