

SECTION 5.3: EXCEPTIONAL PURCHASES

Exception purchasing requests, using the “Agency Exceptional Request Form” (see section VII), are to be transmitted to Departmental Purchasing, for coordination of approval. The Secretary has delegated exceptional purchasing approval authority to the Deputy Secretary(s).

SINGLE SOURCE (also referred to as Sole Source Purchases)

When the Department believes that commodities or contractual services are available only from a single source and the total cost is **greater than \$25,000.00, but less than \$150,000.00, the agency shall electronically post a description of the commodities or contractual services sought for a period of at least 7 business days.** The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the agency, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the agency shall: Provide notice of its intended decision to enter a single-source purchase contract in the manner specified in s. 120.57(3), if the amount of the contract does not exceed the threshold amount of \$150,000.00. The Department shall post the determination of intended award for 72 hours in accordance with the provisions of Section 120.53(5), Florida Statutes. For items in **excess of \$150,000.00, from a single source, the procurement may be exempted from bid requirements by State Purchasing.** A written request must be filed with a certification form (PUR 7006) **by the head of the Agency**, stating the conditions and circumstances requiring the purchase which meets the provisions defined in Rules 60A-1.001(12), 60A-1.002(4), 60A-1.002(5), 60A-1.002(6), and 60A-1.010(1), Florida Administrative Code.

When a commodity/contractual service are determined to be a single source, the following procedures shall be utilized:

- A. A purchase requisition shall be completed and sent to Departmental Purchasing.
- B. A completed “Agency Exceptional Purchase Request” form shall be completed, signed and sent to Departmental Purchasing with the requisition.
 1. If the item(s) total cost is less than \$2,500.00, the approving authority shall state on the purchase requisition the fact that this item(s) is available from one source.
 2. If the item(s) total cost is greater than \$2,500.00 less than \$25,000.00, the approving authority shall state on the “Agency Exceptional Purchase Request” form the fact that this item(s) is available from one source. Departmental Purchasing Section will review the “Agency Exceptional Purchase Request” form and send to the Secretary's signature or designee

for approval.

3. If the item(s) total cost is greater than \$25,000.00 but less than \$150,000.00, the intended action shall be posted in accordance with the provisions of Section 120.53(5), Florida Statutes. A purchase requisition and "Agency Exceptional Purchase Request" form must be completed. If no protest is received, a purchase order or contract may be issued in accordance with standard procedures.
 4. For items in excess of \$150,000.00, the procurement may be exempted from bid requirements by the State Purchasing Office. The requestor shall prepare a Form PUR 7006 and an internal tracking form for the PUR 7006 (<http://www.myflorida.com/myflorida/business/onlineforms/pur7006.pdf>) for the Secretary's signature or designee. The approval signatures of the Project Manager, Division Director and Budget Office should be obtained on the tracking form prior to submitting the request to Departmental Purchasing. Departmental Purchasing will obtain the remaining approval signatures and process the request.
- C. When approval is received, Departmental Purchasing will approve the requisition in MFMP for the purchase order to be issued. The letter of approval from State Purchasing will be attached to the purchase order in MFMP. When approval is received for contractual services, a copy of the approval is forwarded to the Division Contract Manager for processing of the contract. Should the request be denied by State Purchasing, their responding letter will contain purchasing instructions, and a copy of the formal denial will be sent to the Office of the Secretary and the requesting office.

EXCEPTION TO STATE TERM CONTRACT PURCHASES

For purchases of goods or services less than \$25,000 from a vendor other than that specified on the applicable state term contract, a written justification for an exception to the contract must be provided as part of the purchase requisition. The justification should detail the conditions and circumstances justifying the purchase and why the contract item or vendor cannot meet the requestor's needs, utilizing factors such as critical delivery schedules, the need for compatibility with existing equipment, and applications of unique technical requirements. Contract exceptions in excess of \$25,000 must be referred to Departmental Purchasing for review and posting. If proper justification is not provided with the purchase requisition, it will be returned to the requestor. Contract exception purchases are **not** granted for reasons of personal preference, appearance, or price.

EMERGENCIES

An emergency purchase is defined as a purchase necessitated by a sudden unexpected turn of events, such as Acts of God, riots, fires, floods, accidents, or any circumstances beyond the control of the Department, where the delay to competitive bidding would be an immediate danger to the public health, safety, and welfare, or be detrimental to the interest of the State.

In an instance where a true emergency exist and the amount is \$25,000 (Category II), or greater, F.S. require that the agency head, meaning the Secretary or designee, shall file with the State Purchasing Office, a statement under oath certifying the conditions and circumstances requiring an emergency purchase of commodities/contractual services in excess of the threshold amount for Category II. An emergency purchase shall be made with as much competition as is practicable under the circumstances. The statement shall be submitted to the Department Purchasing, using Form PUR 7006 "Exceptional Purchase Request/Authorization/Certification", within 30 days after the date of purchase order or contract. It shall include the complete details surrounding the event(s) meeting the criteria defined in Rule 60A-1.001(11), F.A.C. that created the emergency. A copy of the purchase order or contract shall accompany the statement.

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