

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Revision of ) DOCKET NO. 950362-OT  
Rules 25-25.0061, 25-25.009, and ) ORDER NO. PSC-95-0499-NOR-OT  
25-25.016, F.A.C., Relating to ) ISSUED: April 21, 1995  
Public Service Commission )  
Purchasing Procedures )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-25.0061, 25-25.009, and 25-25.016, Florida Administrative Code, relating to Public Service Commission purchasing procedures.

The attached Notice of Rulemaking will appear in the April 28, 1995 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission  
9:30 a.m., June 6, 1995  
Room 122, Fletcher Building  
101 East Gaines Street  
Tallahassee, Florida 32399-0850

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399-0870, no later than May 10, 1995.

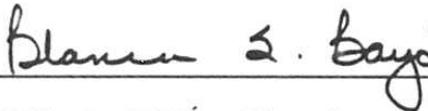
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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 21st  
day of April, 1995.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written above a horizontal line.

BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 950362-OT

RULE TITLE:	RULE NO.:
Purchasing Threshold Amounts and Procedures for Automatic Annual Adjustments	25-25.0061
Source Selection, Bid Openings and Contract Awards	25-25.009
Exemptions from Competitive Bid Requirements	25-25.016

PURPOSE AND EFFECT: The purpose in revising the Commission's purchasing threshold amounts is to increase them to amounts similar to the recently increased threshold amounts of the Department of Management Services, all agencies of the executive branch and most of those in the legislative and judicial branches, thus increasing the Commission's flexibility in making small purchases without formal competitive bidding. Rule 25-25.016 is revised to increase the Commission's purchasing options and make more economical purchases from contract when there is the opportunity to. Rule 25-25.009 is clarified to permit the Commission to re-bid a purchase in certain circumstances to insure that the bidding is truly competitive.

SUMMARY: Rules 25-25.0061, 25-25.009, and 25-25.016 are revised to update and increase the threshold amount for Commission purchases that require solicitation of formal competitive bids, to authorize purchases from Federal General Services Administration contracts

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without soliciting bids, and to clarify the action to be taken when no competitive bid responses are received.

RULEMAKING AUTHORITY: 350.127(2), 120.53(1), 946.519, F.S.

LAW IMPLEMENTED: 120.53(1), F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., June 6, 1995

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

25-25.0061 Purchasing Threshold Amounts and Procedures for Automatic Annual Adjustments.

(1) ~~Considering Fiscal Year 1986-87 as the base year for the purpose of making automatic annual adjustments as hereinafter provided,~~ The following purchasing threshold categories are hereby established:

(a) Category One: \$11,000 ~~3,000~~

(b) Category Two: \$22,000 ~~6,000~~

(2) The purchasing threshold amounts shall be adjusted annually concurrent with the Department of Management Services (DMS) Division of Purchasing's adjustment of its threshold amounts calculated pursuant to DMS Rule 60A-1.001(20), F.A.C. ~~Without the necessity of further amendment to this rule, the amounts provided in Subsection (1) shall be adjusted, effective July 1 of each fiscal year subsequent to Fiscal Year 1986-87, by application of the price changes reflected by the Consumer Price Index for All Urban Consumers (hereinafter referred to as the CPI-U) published for the immediate prior calendar year. The mathematical products of applying the annual CPI-U percent change to the amounts provided in Subsection (1), or any subsequent amounts adjusted therefrom, shall be rounded to the nearest \$100 to establish the purchasing category amounts for the following fiscal year. In the event of the demise of the CPI-U, the last adjusted purchasing category amounts shall remain in effect until this rule is amended to adopt another nationally recognized price index to be employed in the manner herein provided.~~

~~(3) Commencing with Calendar Year 1986, the economic indicator known as the CPI-U is hereby adopted and made a part of this rule. Prior to July 1 of each fiscal year, the Division of Research shall transmit to the Commission Central Purchasing office the appropriate value of the CPI-U for the immediate prior calendar year. Each such annual economic indicator shall remain on file.~~

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Specific Authority: 350.127(2), 120.53(1), F.S.

Law Implemented: 120.53(1), F.S.

History: New 12/24/86, Amended .

25-25.009 Source Selection, Bid Openings and Contract Awards.

(1) - (5) No change.

(6) Receipt of no competitive bids ~~One Bid~~ in the First Call for Bids on Commodities Exceeding the Threshold Amount Provided in Rule 25-25.0061(1) for Category One. When no competitive bids are ~~only one bid is~~ received for the purchase of a commodity or group of commodities exceeding the Threshold Amount Provided in Rule 25-25.0061(1) for Category One in the first call for bids, the Central Purchasing Office shall review the bid and the Invitation to Bid in order to determine the reasons, if any, why no competitive bids were ~~only one bid was~~ received. If it is determined that an emergency exists or that the items sought are available only from a single source, the Agency Head shall make a certification in writing as to the conditions and circumstances and thereby authorize the Central Purchasing Office to proceed with the purchase. Otherwise, a second call for bids will be issued. If no competitive bids are received in a second call for bids, the Central Purchasing Office shall review the bid and the Invitation to Bid in order to determine the reasons, if any, why no competitive bids were received and, with the authorization of the

Agency Head, may proceed with the purchase or, if the circumstances and conditions warrant, may issue another call for bids.

(7) - (13) No change.

Specific Authority: 350.127(2), 120.53(1), F.S.

Law Implemented: 120.53(1), F.S.

History: New 4/12/83, formerly 25-25.09, Amended 12/24/86,\_\_\_\_\_.

25-25.016 Exemptions from Competitive Bid Requirements.

(1) Purchases made according to state contracts, as provided in Section 25-25.002 of these rules, or from the non-profit corporation established by Part II, Chapter 946 ~~s. 946.01~~, F.S., are exempt from the competitive bid requirements of these rules.

(2) When the Central Procurement Officer finds that commodities equivalent to those offered on state contracts can be purchased at less than state contract prices, such commodities may be purchased, without advertising, through the informal bid procedure defined in Rule 25-25.003(10). This procedure may be used regardless of commodity pricing but all such purchases must have prior approval of the Agency Head, or his designee, and be clearly designated as exceptions to the state contracts awarded by the Department of Management Services.

(3) Purchases made from the Federal General Services Administration contracts are exempt from the competitive bid requirements of these rules.

Specific Authority: 350.127(2), 120.53(1), 946.519, F.S.

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Law Implemented: 120.53(1), F.S.

History: New 4/12/83, formerly 25-25.16, Amended 12/24/86,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULES: Steve Wharton, Division  
of Administration.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:  
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: April 18, 1995.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).