



Florida Association of Public Purchasing Officers

October 2005

Please check with your IT dept. to ensure your entities SPAM filters allow for FAPPO broadcast emails; also review and update your membership data/email in the 'Members Only' Section of www.fappo.org

Check out the **Professional Development Seminars** we have in store for you!

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Message from the President

**Message from the President
Russ Wetherington, CPPB, CPCM**

Dear Members,

Our Fall Workshop will be held on, October 27-28, 2005 in Daytona Beach at the Plaza Resort and Spa, 600 North Atlantic Blvd, Daytona Beach 32118. The program includes a full day of workshops and training on Thursday, October 27 with the president's reception on Thursday night starting at 7:00p.m., and an update on state contracts and etc., from State Purchasing on Friday, October 28. The registration fee, for the Fall Workshop is \$100. The room rate is \$95/night for reservations made by October 10, 2005. There are no guarantees on the rate if made after this date. The registration form and agenda is included in the newsletter.

FAPPO was invited to a "Public Procurement Association Summit" hosted by NIGP at last month's forum in California. This was an all-day meeting attended by leaders from seven prominent public purchasing organizations. A key theme stressed throughout the summit was collaboration.

Like FAPPO, NIGP is a membership-based nonprofit organization. Their mission is "to enhance public procurement, promote the profession and preserve the public trust by providing expertise, direction, and leadership for members and other stakeholders."

FAPPO supports mainly the certification programs of NIGP the Certified Public Purchasing Officer (CPPO) and Certified Professional Public Buyer (CPPB) program and now the State

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Message from the President

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of Florida certification programs. Whereas, CAPPO mainly supports the Certified Purchasing Manager (C.P.M.) of ISM.

All three programs NIGP, ISM and State of Florida:

- Show a commitment to the profession
- Promote continuous professional growth & development
- Provide a standard for recognizing purchasing professionalism

FAPPO's purpose and NIGP's mission are almost indistinguishable. It is highly beneficial for public purchasing that FAPPO, State of Florida and NIGP continue working together to promote the profession. Mutual support of educational endeavors and certification efforts will help achieve this end.

Congratulations to the newest NIGP Chapter the "Mid Florida Chapter of NIGP", which was chartered on September 9, 2005. This makes twelve (12) NIGP chapters in Florida.

Coming Soon: Laurie Victory, 2005-06 Pro-D Chairman, will be scheduling some of the State of Florida certification classes very soon. They will be scheduled before or after the FAPPO scheduled classes. FAPPO members will be subsidized \$100 when they attend any FAPPO sponsored three-day classes to obtain a State of Florida certification.

On behalf of the Board of Directors, current Officers and I, we are looking forward to seeing you at the Fall Workshop in Daytona Beach, October 27-28, 2005.

Please feel free to contact me at anytime with your suggestions or comments by emailing me at: wetherington@polksheriff.org or by calling me at 863-413-2882 ext. 107.

Russ Wetherington, CPPB, CPCM
FAPPO President 2005-06

"Never try to defend your present position and situation. Choose to be a person who is on the offensive, not the defensive."

Get involved in FAPPO. Join a committee or volunteer your expertise. You'll be glad you did! Contact one of your officers for more information.

Florida Statutes on Procurement for Local Governments

by Bobby Marsala, C.P.M., CPPB

October, 2005

This month we will venture into the remaining sections of Florida Statute 287, Procurement of Personal Property and Services which are applicable to local government procurement operations.

If you remember our August edition of the FAPPO newsletter, we discussed Chapter 287, up through 287.056. The next section which is applicable to local governments is F.S. 287.059 for private attorney services. For our purposes, the definition of “agency” or “state agency” under 287.059(1) includes state officers, departments, boards, commissions, divisions, bureaus, councils, and units of organization, however designated, of the executive branch of state government, *community and junior colleges, and Multicounty special districts exclusive of those created by interlocal agreement or which have elected governing boards*. This section requires “state agencies” to obtain prior written approval by the Attorney General for private attorney services, to either provide those services or authorize the “state agency” to obtain private attorney services through an outside source.

Private attorney services to be procured by community and junior colleges and Multicounty special districts requesting approval of such services may contract with the Department of Legal Affairs; however, approval/disapproval still comes from the Attorney General’s office. F.S. 287.059 also establish the procedures for the Attorney General to adopt a form for service requests, a standardized fee schedule, and general guidelines that may be used by agencies to determine when it is necessary and appropriate to seek private attorney services in lieu of staff attorney services.

For those of you who are food buyers, Florida Statute 287.0822 addresses beef and pork; prohibition on purchase; bid specifications; and penalties that apply to municipalities, political subdivisions, school districts and special districts. This statute requires that all purchases of fresh or frozen beef and pork be inspected by the US Department of Agriculture or by another inspection program that has been approved by the US Department of Agriculture. All solicitations issued by any agency must specify that the beef or pork be inspected and passed by one of these agencies. Vendors must certify on their invoices that the fresh or frozen beef or pork or imported beef or pork supplied is either domestic or complies with this section. 287.0822(2) requires that purchases for fresh or frozen meats by any agency utilizing state or local funds shall include the words: “All American and ‘Genuine Florida’ meats or meat products shall be granted preference as allowed by Section 287.082, Florida Statutes.” Additionally, per Section 287.0822(3) “Any person who knowingly violates or causes to be violated the provisions of this section *shall be personally liable* to the affected public agency for any funds spent in violation of the provisions of this section,” so you might want to confirm that your documents contain this language!

Florida Statute 287.084 allows for preference to Florida businesses (local preference) and applies to counties, municipalities, school districts or other political subdivisions when making purchases of personal property through competitive solicitation and allows for a preference to vendors having a principal place of business within its jurisdiction to the lowest responsible and responsive vendor. This section does not apply to transportation projects for which federal aid funds are available.

Florida Statute 287.087 requires preference to businesses with drug-free workplace programs and applies to any political subdivisions. This is the section of the FL Statutes that we all have as part of our bid and proposal documents.

In order for businesses to take advantage of this preference in contract awards, they must certify that they have implemented a drug-free workplace program. This statute also outlines the program requirements that a vendor must follow to obtain preference in contract awards. It also provides the language that must be added to your bid and proposal documents for certification with your vendor's submittals.

Chapter 287.093 of the Florida Statute provides extensive information about Minority Business enterprises, procurement of personal property and services from funds set aside for such purpose. These statute requirements are optional for counties, municipalities, community colleges and district school boards and are not required. This Statute states that counties, municipalities, community colleges or district school boards "*may*" set aside up to 10% or more of the total amount of allocated funds for entering into competitively procured agreements with minority business enterprises. The competitive solicitation is to be distributed only to minority business enterprises.

Additional items for local government consideration under Section 287.093 are identified as follows. F.S. 287.0931 encourages at least 20% participation to minority firms in bond underwriting or other tax exempt obligations. F.S. 287.0935 identifies surety bond insurers' requirements for projects that do not exceed \$500,000. F.S. 287.0943 discusses certification of minority business enterprises which allows for the acceptance by DMS of the local governments certified minority vendors when the Office of Supplier Diversity determines that their requirements are applicable at the local level. This is supposed to be done through a Task Force which meets annually, however the Task Force currently is not active. F.S. 287.09431 Statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise allowed for legal joining of the majority of the jurisdictions or organizations with the state and provide the Agreement language for this joining. This section of the Statute is obsolete. The One Florida [Accountability Commission](#) took over some of this function. And lastly, F.S. 287.0947 defines the creation, membership and duties of the FL Advisory Council on Small and Minority Business Development which is to include two representatives of local government The Advisory Council has been in flux. It will meet again in Orlando at the OSD [Matchmaker](#) event in November.

As a result of the Governor's One Florida Initiative, many of the processes defined in Chapter 287.093 have changed and the statutory language is a hold-over from pre-One Florida era. If you want up-to-date information, your best bet is to contact the Office of Supplier Diversity (OSD) at (850) 487-0915.

Florida Statute 287.133 requires political subdivisions to have language in their bid/proposal documents that addresses public entity crime; and denial or revocation of the right to transact business with public entities. A "public entity" means the State of Florida, any of its departments or agencies, or any political subdivision. A "public entity crime" means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States include in but not limited to any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation. It basically states that state of political subdivision agencies will not accept bids/proposals/invitations to negotiate or enter into contracts from those affiliates who have been convicted of a public entity crime in any federal or state trial court of record. The process to be followed is specifically defined in F.S. 287.133 and should be made a part of your solicitations for the procurement of goods and services.

Florida Statute 287.134 requires political subdivisions to have language in their bid/proposal documents that addresses discrimination; and denial or revocation of the right to transact business with public entities. A Public Entity is defined the same as above (287.133). Discrimination means a determination of liability by a state circuit court or federal district court for a violation of any state or federal law prohibiting discrimination on the basis of race, gender, national origin, disability, or religion by an entity; if an appeal is made, the determination of liability does not occur until the completion of any appeals to a higher tribunal. This statute basically states that state or political subdivision agencies will not accept bids/proposals, invitations to negotiate or enter into contracts with those affiliates who are on the States discriminatory vendor list. Once again, the process to be followed is specifically defined in F.S. 287.134 and the language should be contained in your documents.

The State Department of Management Services' list of Discriminatory Vendors and Public Entity Crimes is located at the following website address:

http://dms.myflorida.com/dms/purchasing/convicted_suspended_discriminatory_complaints_vendor_lists

And last, but not least, Florida Statute 287.1345 provides for the State's surcharge on users of state term contracts and discusses the deposit of proceeds collected to allow for DMS to fund their operation. It also allows for the Governor to exempt transactions from the payment of surcharges if the payment would cause the state, a political subdivision, or unit of local government to lose federal funds or in other cases where such exemption is in the public interest.

As stated in our last newsletter article, the majority of the requirements in Florida Statute 287 are applicable only to State agencies. Remember that the definitions in each section are very important in determining applicability to local government. This does not preclude local government agencies from adopting some or all of the Statute requirements. As always, please check with your legal council for your individual agency interpretation.

CONGRATULATIONS TO THE 12TH FLORIDA NIGP CHAPTER!

The Mid-Florida Chapter of NIGP was chartered on September 9, 2005. Thirty-nine of the forty-six charter members attended the ceremony. President Norma Hall, CPPO presented the charter to the Chapter President Wendy Geltch, C.P.M., CPPB. Serving as Vice-President is Buddy Storey, Secretary is Lynn Adams, and the Treasurer is Bob Bishop, C.P.M.

The special guest speaker was Cheryl Olson, C.P.M., CPM.

The Mid-Florida Chapter is the 89th chapter nationally, and the 12th chapter to form in Florida.

New Florida State Contract

On September 13, 2005, the State of Florida signed a contract with Comdata for a new Fuel Card Services Program which is built on the MasterCard platform. This Contract will provide a Fleet Fuel Card program for Vehicle Fleets owned by State Agencies and Eligible Users in the State of Florida. This will include the purchase of fuel, maintenance and any commodity for immediate use by the Eligible User to maintain daily operation of their vehicle fleet.

Under the new Program users can choose to manage either the driver or the vehicle, assign driver numbers to track spending patterns, limit cards to prompting locations, instantly block and unblock cards, set spending parameters for each cardholder including spending limits, daily dollar limits and much more:

- Web-based usage and billing system
- Never again pay fuel taxes you are exempt from
- State leveraged buying power ensuring competitive pricing
- Emergency fuel plan

This Program will be available to all Eligible Users beginning in February 2006. If you would like to participate in this Program or would like additional information, contact David Bennett @ 850-921-4072 or e-mail at bennetd@dms.state.fl.us

NEW STATE BULLETIN BOARD

State Purchasing has implemented a new Bulletin Board. Here you can find informative announcements related to: State Term Contracts, State Purchasing Agreements, and other important purchasing activities. The bulletin board is located at http://dms.myflorida.com/dms/purchasing/purchasing_bulletin_board.

State Purchasing has also implemented an optional subscription service. At the top of each web page within the <http://dms.myflorida.com> website there is a "Notify Me" button that you can select to sign up to receive notification of updates/additions made to that page and subsequent connected pages.

For more information regarding the above functionality there is a tutorial available on the bulletin board under the notice titled "[Purchasing Bulletin Board and Website Subscription Option](#)".

“Entity awards are yours for the taking. Have you started working on yours yet??”



**10TH ANNUAL
2005
FLORIDA
AWARD RECIPIENTS**

**Charlotte County, FL
Kimberly Corbett, C.P.M., CPPB, Director of Purchasing**

**City of Ft. Lauderdale, FL
Kirk Buffington, C.P.M., Director of Procurement Services**

**City of Miami, FL
Michael Rath, CPPO, CPPB, Assistant Purchasing Director**

***City of Miramar, FL*
Carlos Vilches, CPCM, CPPO, C.P.M., Manager**

**City of Orlando, FL
Jon Mead, C.P.M., Director of Purchasing**

**City of Port St. Lucie, FL
David Pollard, Director of the Office of Management & Budget**

**City of St. Petersburg, FL
Louis Moore, CPPO, Director, Purchasing and Materials Management**

**County of Volusia, FL
Cheryl Olson, C.P.M., CPM, Director of Purchasing & Contracts**

**Escambia County, FL
Joe Pillitary, Jr., CPPO, CPPB, Purchasing Manager**

**Highlands County, FL
Gerald Secory, Director, General Services/Purchasing Department**

**Miami-Dade County, FL
Miriam Singer, Director, Department of Procurement Management**



**Orange County, FL
Johnny Richardson, CPPO, CACM, Manager, Purchasing and Contracts Division**

**Osceola Board of County Commissioners, FL
Rey Palma, Director, Procurement Services Office**

***District School Board of Pasco County, FL*
Kendra Goodman, Purchasing Agent, Purchasing Department**

**Polk Community College, FL
Wendy Geltch, C.P.M., CPPO, Purchasing Agent**

**Seminole County, FL
Ray Hooper, C.P.C.M., Purchasing & Contracts Manager**

**South Florida Regional Transportation Authority (SFRTA), FL
Christopher Bross, CPPO, Director of Procurement**

**South Florida Water Management District, FL
Frank Hayden, Procurement Director**

**St. Johns River Water Management District, FL
Patrick Sherbak, Director, Division of Procurement Services**

**State of Florida, FL
Frederick Springer, State Purchasing Director &
William Rothman, Chief Purchasing Officer**

**University of West Florida, FL
Elaine Smith, Manager**

FAPPO EMAIL NOTICE

Notice to all Members:

If you do not want to receive broadcast emails from FAPPO, please notify the FAAPO web site liaison to have your name removed from the email list.

Please understand that we only send out emails when we feel it is important to notify the membership of important information.

What is not Spam:

- An e-mail message is NOT spam if the recipient in anyway requested email be sent to them from the sender or the sender's organization.
- Anytime an organization sends a bulk email message to one of its customers it is NOT spam provided that the organization offers a way for the customer to opt-out of future mailings and that the customer did not previously opt-out.
- An e-mail message is NOT spam when sent to recipients who agreed to receive information or promotions from a partner organization (as long as there is a clear opt-out option).

Message from the Pro-D



With the holidays coming up please don't forget about your educational needs. There are classes scheduled through May of 2006. Please look at your schedules and plan ahead!!!

Please note that on November 17 & 18, 2005 we have scheduled the following seminar in Winter Park Florida which is approximately 4 miles form downtown Orlando.

“Get What You Need Through Successful Negotiation Strategies”

This seminar is being held the 2 days after NPI's 37th Annual Conference and Products Exposition, which is scheduled for November 13, 14, 15 & 16, 2005 in Orlando, Florida.

This seminar is a pre-requisite for obtaining your State of Florida Certified Negotiator Certification.

Professional Development Chair:

Laurie Victory, CPPB

Purchasing Manager

City of Fort Myers

lvictory@cityftmyers.com

Phone: 239-332-6625



Florida Association of Public Purchasing Officers

PROFESSIONAL DEVELOPMENT REGISTRATION FORM

Check Desired Course(s)	Instructor	Title	Location	Dates	Cost
	<i>Fred Marks</i>	Sourcing in the Public Sector	St. Augustine, FL	July 18-20, 2005 8:00 AM-5:00 PM	M \$250.00 N \$550.00
	<i>John Zeyer</i>	Intro to Public Procurement	Ft. Myers, FL	Aug 22-24, 2005 8:00 AM-5:00 PM	M \$250.00 N \$550.00
	CANCELLED	Planning, Scheduling and Requirement Analysis			
	<i>Ken Hayslette</i>	Developing & Managing RFP's	Sarasota, FL	Oct 5-7, 2005 8:00 AM-5:00 PM	M \$300.00 N \$550.00
	<i>Tony Ellis</i>	Get What You Need Through Successful Negotiation Strategies	City of Winter Park, FL	Nov 17-18, 2005 8:00 AM-5:00 PM	M \$350.00 N \$350.00
	<i>TBD</i>	Intro to Public Procurement	Lakeland, Florida	Jan 18-20, 2006 8:00 AM-5:00 PM	M \$300.00 N \$550.00
	<i>TBD</i>	Contracts Administration	City of Port St. Lucie, FL	Feb 13-15, 2006 8:00 AM-5:00 PM	M \$300.00 N \$550.00
	<i>TBD</i>	Legal Aspects Of Purchasing	Ft Myers, FL	March 8-10, 2006 8:00 AM-5:00 PM	M \$300.00 N \$550.00
	<i>TBD</i>	Creating Performance Based RFP's	City of Palm Bay, FL	April 7-8, 2006 8:00 AM-5:00 PM	M \$350.00 N \$350.00
	<i>TBD</i>	Sourcing in the Public Sector	Hollywood, FL	May 23-25, 2006 8:00 AM-5:00 PM	M \$300.00 N \$550.00

Please circle one:

M -- Member

N – Non-Member

Name: _____

Entity: _____

Address: _____

City: _____, FL Zip _____

Telephone: (_____) _____ Facsimile: (_____) _____

Payment arrangements must be made in advance.

Make checks payable to: Florida Association of Public Purchasing Officers, Inc.

Tax I.D. Number 59-2615678

Mail registration form and payment (No Purchase Orders/Credit Cards) to:

Laurie Victory, CPPB
Purchasing Manager
City of Ft. Myers
Post Office Box 2443
Ft. Myers, Florida 33902-2443
FAX: (239) 332-0593
e-mail: lvictory@cityftmyers.com

FLORIDA ASSOCIATION OF PUBLIC PURCHASING OFFICERS, INC.

NOTE: ***

Further information on actual seminar locations, site coordinators and hotel information will be provided at least 6 – 8 weeks prior to the date of the seminar.

New this Year!

Manager and Buyer of the Year Awards are new this year and are due on March 1, 2006. Please visit the web site to download the application.



FALL WORKSHOP

Time and Date: Thursday, October 27, 2005 - 8:30 a.m. to 4:30 p.m.
Friday, October 28, 2005 – 8:00 a.m. to 12:00 p.m.

Registration: \$100.00 - Lunch included on Thursday,
No refunds for registration after October 10, 2003
Casual Business Attire
Purchase Orders are not acceptable

Location: Plaza Resort and Spa
600 N. Atlantic Ave.
Daytona Beach, FL 32118
386-255-4471 (Reservations)

Reservations: The room rate is \$95.00 per night. Daily Parking: Free
Your reservation should be made directly with the hotel.
When making your reservation, please specify that you are attending the FAPPO Fall
Workshop.
The hotel room reservation cutoff deadline is October 10, 2005

Registration

Please type or print

Name: _____
Last Name First Name Nickname for Badge

Check (If Applicable): CPPO CPPB C.P.M. A.P.P. CPCM

Title: _____

Agency: _____

Address: _____ City: _____, FL Zip _____

Telephone: _____ Fax: _____ E-Mail: _____

IMPORTANT: Please fill in form completely, and return with your check payable to...
Florida Association of Public Purchasing Officers, Inc. or FAPPO, Inc.

In care of FAPPO's Treasurer:
Cheri Alexander, C.P.M., CPPB
Sarasota Manatee Airport Authority
6000 Airport Circle
Sarasota, FL 34243-2105

Office: 941-359-2770 ext. 4246 Fax: 941-359-5055 E-Mail: cheria@srq-airport.com



Florida Association of Public Purchasing Officers

JUNE 1, 2005 - MAY 31, 2006

Membership Application / Dues Invoice

Please type or print

Name: _____ Last _____ First _____ M.I. _____

Certification: CPPO CPPB C.P.M. A.P.P. Other: _____

Title: _____

Entity: _____

Address: _____

City: _____ FL Zip+4: _____

Telephone: (____) _____ Fax: (____) _____

E-Mail: _____

Website: _____

Include Entity's Purchasing Home Page, if applicable

Check all that apply: Renewal Institutional Membership / Entity Check New Member Personal Membership / Personal Check

Regular or Associate Member: \$ 30.00 Late Fee (after Sept. 1*): \$ 10.00

* Late Fees do not pertain to New Members

Dues paid by Check #: _____

Membership Directory on CD Membership Directory in Hard Copy Your annual copy of the Membership Directory will be available in December from the FAPPO website as downloadable PDF files, unless you mark a box (above) for a CD or a hard copy version.

For information, contact the Membership Directory Chairman: Wendy Geltch, C.P.M., CPPO / 863-297-1083 / wgeltch@polk.edu

www.fappo.org FAPPO's FEIN: 59-2615678

Please fill in this form completely, and return with your check (no credit cards) payable to ...

Florida Association of Public Purchasing Officers, Inc. or FAPPO, Inc. to:

Cheri Alexander, C.P.M., CPPB Sarasota Manatee Airport Authority 6000 Airport Circle Sarasota, FL 34243-2105

FAPPO OFFICERS, 2004-2005

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Visit our website! www.fappo.org

Florida Association of Public Purchasing Officers

C/O Childrens Home Society
1485 S. Semoran Blvd. Suite 1448
Winter Park, FL 32792

To a Member of a Great Association