

Rule 6A-3.006 is amended to read:

6A-3.006 Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts.

(1) The Deputy Commissioner for Finance and Operations or designee is authorized and directed to coordinate volume purchasing ~~a pool plan for the purchase~~ of transportation equipment as provided by Section 1006.27, 229.79, Florida Statutes. This purchasing plan shall include conducting and administering bids for new school buses, coordinating purchasing of drug and alcohol testing services, and purchasing of other commodities and services as needed. The Department may award bids as either low bid awards or as multiple supplier awards. Special equipment not included in the bid specifications but approved by the Deputy Commissioner for Finance and Operations shall be listed and priced separately. Commitments to purchase school buses, equipment, supplies and contractual needs through a pool shall be solicited from school boards and such commitments, when included in the pool, shall become an obligation of the school board to buy.

~~(2) Form ESE 232, Pool Purchase Commitment for School Buses is incorporated by reference in this rule to become effective August, 1986. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, The Florida~~

~~Education Center, Tallahassee, Florida 32399.~~

~~(3) The Deputy Commissioner for Finance and Operations or authorized representative shall request bids for equipment by number and size on the basis of the commitments submitted in subsection (1) above; provided, that should it appear, in the judgment of the Deputy Commissioner for Finance and Operations after a review of the overall competitive situation, that the interest of the districts would best be served by negotiation, the Deputy Commissioner for Finance and Operations may request the Department of Management Services, Division of Purchasing to negotiate with the industry to establish a price or prices under Chapter 287, Florida Statutes. Special equipment not included in the bid specifications but approved by the Deputy Commissioner for Finance and Operations shall be listed and priced separately. The Deputy Commissioner for Finance and Operations or authorized representative shall be present at each bid opening. Invitations for bids on chassis or bodies should be sent to representatives of each chassis and body manufacturer whose products have been certified to the Deputy Commissioner for Finance and Operations as meeting the specifications of the State Board. The invitation and bid shall be separate for body and chassis unless authorized by the Deputy Commissioner for Finance and Operations.~~

~~(2)(4)~~ If requested by the Deputy Commissioner for Finance and Operations, each dealer submitting bids under a pool plan shall enclose a certified check, bank money order, cashier's

check, or performance bond as a good faith deposit in an amount in keeping with the minimum order, drawn in favor of the State of Florida and the purchasing school districts. The good faith deposit of the successful bidder shall be held until the terms of the purchase contract have been met. The good faith deposit shall be forfeited in full or in part if the contract is not fulfilled, provided that the State Board shall have the right to grant an extension of time if the reason for not meeting the terms of the contract is beyond the control of the successful bidder and to alter the terms of the contract before the deposit is forfeited and deposited as required by law.

~~(5) The low bid on the complete unit shall be the f.o.b. factory cost of the chassis, plus freight to the body plant, plus f.o.b. factory cost of body, plus cost of approved chassis and body options committed for purchase, plus cost of delivery to destination.~~

~~(6) Purchase awards for school buses shall be made upon the basis of two (2) or more bona fide bids.~~

(3)~~(7)~~ The period covered by the contract or contracts shall be for such duration and may be renewable as may be determined by the Deputy Commissioner for Finance and Operations ~~Commissioner~~ as is consistent with needs, availability of materials, and production schedules, and shall provide that ~~within a reasonable period~~ the equipment shall be made available to ~~other~~ school boards and state agencies in compliance with the provisions of

Section 1006.27 and Chapter 287, Florida Statutes.

~~(8) Ceiling prices, when established by the Department of Management Services, Division of Purchasing for transportation equipment may be adjusted by the Division of Purchasing based upon studies of its executive director or on data presented by the Commissioner showing that the competitive situation warrants an adjustment in prices.~~

~~(4)(9) Upon acceptance of the pool purchase bid or establishment of a price by negotiation, Each participating district and other authorized purchasers shall issue a purchase order or orders for the equipment as a commitment to purchase, which it committed to the pool; provided the quantity of such orders may be increased by the school board.~~

~~(10) The Deputy Commissioner for Finance and Operations shall review and approve purchase orders issued by the respective school boards and all other authorized purchasers of buses from the pool purchase bid for transmittal to the contractors.~~

~~(5)(11) A contract for the purchase of school bus chassis, bodies, or equipment may be made upon the basis of bids received by the school board when the price quoted does not exceed the comparable ceiling price established by the most recent state volume purchasing ~~pool purchase~~ plan or bids accepted by the Deputy Commissioner for Finance and Operations. In any case, where there is question as to whether ceiling prices are exceeded, the bids shall be forwarded to the Deputy Commissioner~~

for Finance and Operations for review and approval before awarding a contract. In all such cases, the Deputy Commissioner for Finance and Operations, before approval is given, shall review bids and specifications to determine if laws and rules have been complied with.

~~—— (12) The Deputy Commissioner for Finance and Operations shall furnish periodic information, showing the lowest prices received, to school boards for guidance in making awards.~~

(6) ~~(13)~~ The Deputy Commissioner for Finance and Operations, upon approval of the Office of Planning and Budgeting in the Executive Office of the Governor, may serve as agent in clearance of volume pool purchases in the event companies submitting successful bids will not accept purchase orders and warrants for payment of invoices issued by school boards.

Specific Authority 1001.03, 1002.42, 1006.27, 1011.14 FS. Law Implemented 1002.42, 1006.27, 1011.14 FS. History—Amended 3-26-66, Repromulgated 12-5-74, Amended 7-10-85, Formerly 6A-3.06, Amended 8-19-86, 11-15-94, 4-18-96,