

The State of Florida, Department of Management Services (“DMS”), executed an **Intent to Participate** for the 2004-2009 WSCA/NASPO PC Contracts (“Contracts”).

DMS executed the Intent to Participate to facilitate use of the Contracts by non-state agency “eligible users” of DMS contracts (see statutes and rules below). This means that Florida non-state agencies do not have to execute a joint powers agreement with Minnesota in order to use the Contracts, cutting out one, sometimes complex, step in legally using these contracts.

Florida state agencies interested in using the Contracts must seek further DMS approval by following the processes established by [Rule 60A-1.047](#), Fla. Admin. Code.

DMS has executed Participating Addenda with some of the contractors. The Participating Addenda are for “eligible users” and permit simple notification of contractors and Minnesota (as the lead state) that an “eligible user” intends to use one of the contracts. The addenda executed to date are available for review on the DMS website; go to <http://dms.myflorida.com/purchasing>, click on “State Term Contracts,” and then “Alternate Contract Sources”.

If an “eligible user” wishes to execute its own Participating Addenda with any or all of the 11 contractors on the Contracts, they may proceed to do so. Please go to the “How to Participate” document on the website (www.mmd.admin.state.mn.us) under “Cooperative Purchasing Opportunities”, under “Western State Contracting Alliance”, on the top bar. Attachment C on that document is instructions on how to complete the individual Participating Addenda - you will go to the “2004-2009 PC Contracts” page to actually connect to the individual model Participating Addenda for each contractor.

Thank you for your cooperation.

Applicable Florida statutes and rules:

287.042(2)(a), F.S. [Department of Management Services (DMS) has the power...]: to establish purchasing agreements and procure state term contracts for commodities and contractual services, pursuant to s. 287.057, under which state agencies shall, and eligible users may, make purchases pursuant to s. 287.056.

287.056(1), Fla. Stat. -- Agencies shall, and eligible users may, purchase commodities and contractual services from purchasing agreements established and state term contracts procured, pursuant to s. 287.057, by the department.

Rule 60A-1.005 Eligible Users.

The following entities are eligible users:

- (1) All governmental agencies, as defined in Section 163.3164, F.S., which have a physical presence within the State of Florida;
- (2) Any independent, nonprofit college or university that is located within the State of Florida and is accredited by the Southern Association of Colleges and Schools. (see <http://www.sacs.org>)

163.3164(10), Fla. Stat. -- "Governmental agency" means:

- (a) The United States or any department, commission, agency, or other instrumentality thereof.
- (b) This state or any department, commission, agency, or other instrumentality thereof.
- (c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.
- (d) Any school board or other special district, authority, or governmental entity.