



Request for Transaction Fee Exemption

Form PUR 3778 (7/03)

Date	9/15/2003
Agency	Florida Department of Environmental Protection
Contact Name	Gwenn Godfrey
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Complete this form if you are requesting a Transaction Fee exemption under rule 60A-1.032(2)
 For exemptions under paragraph 1 or 3 of the rule, please use form PUR 3777
 Submit this form via email: TransactionFee@myflorida.com
 DMS will respond within 14 days. Requests outstanding more than 14 days are deemed approved

TRANSACTION INFORMATION:

Vendor Name :

Tax Id No. Sequence #

Purchase Agreement No.:

Describe nature of transaction (what you propose to buy, purchase price, etc.) and provide specific details demonstrating that it is critical to the agency's mission or necessary for the public health, safety or welfare. Attach supporting documents as necessary.

The Florida Department of Environmental Protection is responsible for conducting a petroleum contamination site cleanup program on a preapproval basis with emphasis on addressing contamination sites which pose the greatest threat to human health and the environment in an expedited manner. The Florida Legislature authorizes the funding from the Inland Protection Trust Fund to support this program. Pursuant to 376.30711(2), Florida Statutes, the Department is authorized to use competitive bidding procedures or negotiated contracts for preapproving all costs and rehabilitation procedures for site-specific rehabilitation projects. Contractors performing site rehabilitation program tasks are responsible for prequalifying with the Department. The prequalification requirements include the following:

- Contractor must meet all certification and license requirements imposed by law.
- Contractor must have an approved Comprehensive Quality Assurance Plan prepared in accordance with Department rules.
- Contractor must certify that it complies with applicable OSHA regulations.
- Contractor must demonstrate that it maintains workers' compensation insurance for all employees as required by the Florida Workers' Compensation Law.
- Contractor must demonstrate that it maintains comprehensive general liability and comprehensive automobile liability insurance with minimum limits of at least \$1,000,000 per occurrence and \$1,000,000 annual aggregate to protect it from claims for damage for personal injury, including accidental death, as well

as claims for property damage which may arise from performance of work under the program, designating the Department as an additional insured.

- Contractor must maintain professional liability insurance of at least \$1,000,000 per occurrence and \$1,000,000 annual aggregate.
- Contractor must complete and submit a sworn statement as required under 287.133(3)(a), Florida Statutes,

Provide specific details demonstrating that imposition of the fee would prevent the consummation of the transaction (e.g., sole source provider that refuses to pay).

Attach supporting documents as necessary (e.g., correspondence with vendors).

The Department establishes the rates that will be paid for conducting various cleanup activities. Contractor's participating in the program do not have the ability to increase costs to off-set transaction fees. If the rate schedules were modified to include the 1% transaction fee, the number of sites that could be remediated would be reduced.

The cleanup program activities described above are authorized under Chapter 376, Florida Statutes which exempts the contractor selection activities from Section 287.055, Florida Statutes. State cleanup contractors that are hired by the Department to conduct petroleum site cleanup activities through processes other than those described in Section 376.30711, F.S. are selected pursuant to Section 287.055, Florida Statutes. The selection of these cleanup contractors are exempt from the 1% transaction fee pursuant to 60A-1.032(1)(b), F.A.C.

FOR DMS USE ONLY:

Approved

Denied

Further information required

Comments: (indicate name and date)

Approved for contracts under the referenced program. These contracts currently bypass SPURS, and DEP does not require MyFloridaMarketPlace functionality to continue the program. Fred Springer, 9/30/03.