

FLORIDA DEPARTMENT OF TRANSPORTATION
Contract Types - Applicability of S. 787.06, Florida Statutes

Contract Type	Description	Examples	Procurement Statutory Authority	Procedure References	Section 787.06, FS Affidavit Required *	Action required for contracts executed prior to 7/01/24	Action required for new contracts executed after 7/01/24	Action required for existing contracts time extended or renewed after 7/01/24
Pcard	Credit card used to pay for low-cost commodities, services, and travel expenses.	Commodities or Services Ex: travel expenses, vehicle repairs/maintenance.	287.057	#350-030-010, Purchasing Card	No	No action necessary	No action necessary	No action necessary
Purchase Orders	Vendors furnishing commodities or contractual services under formalized terms and conditions.	Commodities or Services Ex: Staff Augmentation, Copier payments, Vehicles	287.057	#375-040-020, Commodities and Contractual Services Procurement Manual #400-000-001, Mobile Equipment Procedures Manual	No	No action necessary	No action necessary	No action necessary
A	Contracts between state and local governmental agencies, metropolitan planning organizations, for-profit organizations and/or private companies which involve joint efforts and/or funding.	Railroad crossing maintenance agreements, utilities relocation agreements, Joint Participation Agreements ("JPAs")	337.403; 339.12		Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit
B	Contracts for commodities and/or contractual services.	Commodities or Services Ex: Information Technology Projects, research, janitorial services, expert witness, and legal/court reporter agreements	287.057	375-040-20, Commodities and Contractual Services Procurement Manual	Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit
C	Contracts for professional consultant services.	Engineering, architecture, landscape architecture, planning, land surveying, and construction engineering inspection ("CEI") agreements.	287.055; 337.107; 337.1075	375-030-003, Professional Services Procurement Manual	Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit
D	Contracts procuring certain professional consulting and miscellaneous services associated with right of way activities.	Asbestos right of way ("ROW") surveys, demolition, and general consultant for ROW services agreements.	287.057; 287.055	375-030-003, Professional Services Procurement Manual; 375-040-020, Commodities and Contractual Services Procurement Manual	Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit
E	Construction contracts and all maintenance contracts regardless of amount.	Road, bridge, rest area, and weigh station construction and maintenance, roadside mowing, building construction, building renovations and modifications, FCO, and demolition agreements.	334; 337		Yes**	No action necessary	Obtain Affidavit	No action necessary
F	"Fixed capital outlay" or FCO means the appropriation category used to fund real property and is appropriated by the Legislature.	Includes land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc. Also includes additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and including furniture and equipment necessary to furnish and operate a new or improved facility.	255; 287.057		Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit
G	Grants between federal, state, and local governmental agencies, metropolitan planning organizations, non-profit organizations which involve receipt of state or federal financial assistance by the other party.	Safety program grants, highway planning grants, aviation grants, spaceport grants, rail grants, transit grants, seaport grants and Local Agency Programs (LAP). State financial assistance for local infrastructure improvement projects.	339; 215.971	Manual	Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit

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H	Emergency contracts utilized for a Governor declared emergency only. When the contracting statutes and rules are suspended this also allows the Department to execute an emergency contract/agreement prior to receiving funds approval	Emergency road repair, bridge repair, facility repair, and debris removal agreements.	Emergency Declaration	375-040-130, Emergency Procurement During Governor Declared Emergencies	Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit
S	Settlement agreements are used to settle contract claims against the Department.		45.062; 337.1101; 337.221;	350-020-200, Contract Funds Management	No	No action necessary	No action necessary	No action necessary
T	Major road and bridge Central Office let construction contracts.	These contracts are federally and/or state funded and typically over \$10,000,000.	334; 337		Yes**	No action necessary	Obtain Affidavit	No action necessary
X/Z	Pre-event contracts: Term contracts for equipment and services that could be used before, during, and after a Governor declared emergency.	Transportation facilities repair and restoration, professional and contractual services, and commodities.	287.055; 287.057	375-030-003, Professional Services Procurement Manual; 375-040-020, Commodities and Contractual Services Procurement Manual	Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit
Other	Right of Way Leasing	Leasing of FDOT owned property.	337.25	575-000-000, ROW Procedures Manual	Please consult with Central Office ROW	No action necessary	Please consult with Central Office ROW	Please consult with Central Office ROW
Other	Right of Way Selling	Selling of FDOT owned surplus property.	337.25	575-000-000, ROW Procedures Manual	Please consult with Central Office ROW	No action necessary	Please consult with Central Office ROW	Please consult with Central Office ROW
Other	Right of Way Acquisition	Purchasing of ROW Parcels	337.25	575-000-000, ROW Procedures Manual	Please consult with Central Office ROW	No action necessary	Please consult with Central Office ROW	Please consult with Central Office ROW
Other	State Infrastructure Bank contracts	Loans to other entities to fund various types of transportation projects.	339.55		Yes**	No action necessary	Obtain Affidavit	Obtain Affidavit

* Lack of receipt of affidavit should not prevent the Department from moving forward with pending/existing procurements including awards or executions.

** Not applicable to agreements with governmental entities.

787.06 Human trafficking. — (13) When a contract is executed, renewed, or extended between a nongovernmental entity and a governmental entity, the nongovernmental entity must provide the governmental entity with an affidavit signed by an officer or a representative of the nongovernmental entity under penalty of perjury attesting that the nongovernmental entity does not use coercion for labor or services as defined in this section. For purposes of this subsection, the term "governmental entity" has the same meaning as in s. 287.138(1).

**Affidavits are required for non-governmental entities. Per 287.138(1)(d), "Governmental entity" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

MyFloridaMarketPlace Vendor Information Portal lists business designations for everyone registered within the system. One of those designations is Government Entity. It can be found at the following link and anyone is able to search for vendors to see this designation even without an account:

<https://vendor.myfloridamarketplace.com/>

(Click on "Search Vendors" and then search by any parameter)