

UNIVERSITY OF WEST FLORIDA

NOTICE OF PROPOSED AMENDMENT TO REGULATION

REGULATION TITLE: UWF/REG-6.0055 Procurement Actions Not Subject to Competitive Solicitation Process

SUMMARY: The proposed amendments provide for the inclusion of public and open competitive solicitation as a condition to utilizing cooperative purchases; limitations on contract extensions and renewals; clarification of the “advertisement” exemption to remove the purchase of media placement services as an exempt service.

AUTHORITY: Florida Board of Governor’s Regulations 18.001; Section 1010.04, Florida Statutes.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:

Ms. Angela Jones, Director, UWF Procurement & Contracts

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James H. Felder, Interim General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 128; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before June 2, 2017 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES REGULATIONS WEBSITE:

May 19, 2017

THE DATE THIS AMENDMENT NOTICE WAS PUBLISHED IN “@UWF”:

May 19, 2017

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:

University of West Florida Regulation UWF/REG-6.0055 Procurement Actions Not Subject to Competitive Solicitation Process

Procurement actions that are not subject to the competitive solicitation process include:

- (1) Emergency Purchases. When the President or designee determines in writing, that the delay due to the competitive solicitation process poses an immediate danger to the public health or safety or the welfare of the University, the University may proceed with the procurement of commodities or contractual services without a competitive solicitation.
- (2) Sole Source Purchases. Commodities or contractual services available from a single source shall be exempted from the competitive solicitation process. The sole source exemption form will be publicly posted in accordance with Florida Board of Governor's Regulation 18.002.
- (3) Purchases from contracts and negotiated annual price agreements established by the State of Florida, other governmental entities, other universities in the State University System, or other independent colleges and universities and that are entered into after a public and open competitive solicitation are not subject to further competitive solicitation when it is determined to be cost-effective and in the best interest of the University.
- (4) Construction Direct Purchase Program. Commodities to be incorporated into any public work, which are procured by the University in accordance with the requirements of the University's direct purchase program are not subject to any further competitive solicitation.
- (5) Additional commodities and contractual services that are not subject to the competitive solicitation process include:
 - (a) Artistic services;
 - (b) Academic reviews;
 - (c) Lectures;
 - (d) Professional services, including, but not limited to accounting, auditing, and legal services;
 - (e) Health-care and related services under provisions of the Internal Revenue Code;
 - (f) Family placement services;
 - (g) Training and education services;
 - (h) Advertising; except for media placement services;
 - (i) Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and universities;
 - (j) Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
 - (k) Regulated utilities and government franchised services;
 - (l) Regulated public communications, except long distance telecommunication services or facilities;
 - (m) Extension or renewal of an existing contract entered into as a result of a competitive solicitation, for up to twelve (12) months or until completion of the competitive solicitation and award or protest, whichever is longer. The extension shall be in writing, signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract;
 - (n) Renewal of a contract, entered into as a result of a competitive solicitation, for a period that may not exceed 5 years or twice the term of the original contract, whichever is longer;
 - (o) Purchases for resale;
 - (p) Commodities or services provided by not-for-profit support and affiliate

- organizations of the University, direct support organizations, health support organizations and faculty practice plans;
- (q) Proprietary or copyrighted goods or services;
 - (r) Purchases of materials, supplies, equipment, or services for instructional or research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project in accordance with sponsored research procedures or to attain the instructional objective;
 - (s) Programs, conferences or events that have been specified by a grant, can include, but not limited to items such as lodging, meeting rooms, services and food;
 - (t) Purchases from an Annual Certification List developed by the University.
 - (u) Any other goods or services exempted by Florida Board of Governors Regulation 18.001.

Authority BOG Regulation 18.001.

History—New 9-23-03. Formerly 6C6-6.0055. Converted to UWF/REG 6.0055 - 7/21/05.

Amended 1/5/07, 12/10/10, 6/13/14, _____.