

**UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED AMENDMENT TO REGULATION**

REGULATION TITLE: UWF/REG-6.0057 Bond Requirements

SUMMARY: The proposed amendments revises the regulation to conform to Florida Board of Governors' Regulation 18.003, Bonding Requirements.

AUTHORITY: BOG Regulations 18.001 and 18.003.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:

Angela Jones, Director of Procurement & Contracts

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Senior Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 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 February 13, 2018 to receive full consideration.

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

January 30, 2018

THE DATE THIS NOTICE WAS PUBLISHED IN "@UWF":

February 1, 2018

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

**University of West Florida Regulation
UWF/REG-6.0057 Bond Requirements**

(1) **Solicitation Security.** A certified, cashier's or treasurer's check, bank draft, bank official check or bid bond may be required as a condition of participating in a competitive solicitation offered by the University of West Florida ("University"). Solicitation Bonds (a.k.a. bid bonds). The University is authorized to require a certified, cashier's or treasurer's check, bank draft or bid bond as a condition for participating in a competitive solicitation. The University will require solicitation bonds when there is a risk that bidders might not honor their bids for a particular project and is mandatory for sealed bids for construction projects when the construction cost is estimated to exceed \$100,000; such a bond requirement will be included in the competitive solicitation documents.

(2) Payment and Performance Bonds.

(a) Any contractor contracting with the University to provide commodities, services or commodities which include installation, may be required to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract.

(b) The bond or security must be in an amount equal to 100% of the amount of the response submitted to the competitive solicitation.

~~The University is authorized to require any contractor/vendor to furnish payment and performance bonds, with good and sufficient securities, to the University prior to the issuance of the contract at the sole discretion of the University. The University will require payment and performance bonds when there is a risk that bidders might not honor their payments to subcontractors or material suppliers for a particular project; such a bond requirement will be included in the competitive solicitation documents.~~

(3) **Solicitation Protest Bond.** Any entity filing an action protesting a decision or intended decision of the University pertaining to a competitive solicitation shall, at the time of filing of the formal protest, post with the University a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor's bid or proposal; 10% of the estimated expenditure during the contract term; \$10,000.00; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the entity filing the protest action. In lieu of a bond, the University may accept a cashier's check or money order in the amount of the bond. Failure of the protesting entity to file the required bond, cashier's check, bank official check or money order at the time of filing the formal protest shall result in a dismissal of the protest.

~~Any contractor that files an action pursuant to UWF/REG 6.0054 Competitive Solicitation Requirements, protesting a decision or intended decision pertaining to a solicitation, shall post with the University at the time of filing of the formal protest, a bond payable to the University of West Florida Board of Trustees in an amount equal to:~~

~~(a) — Commodities or Contractual Services — Ten percent of the estimated value of the protestor's bid or proposal or ten thousand dollars (\$10,000), whichever is less;~~

~~(b) — Construction —~~

~~1. — Twenty five thousand dollars (\$25,000) or two percent of the lowest accepted bid, whichever is greater, for contracts valued over \$500,000; or~~

~~2. — Five percent of the lowest accepted bid for all other contracts.—~~

~~Qualifications based solicitations — Bond shall be based upon the estimated value of the project.~~

(4) All bonds shall be conditioned upon the payment of all costs, which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University may accept a cashier's check or money order in the amount

~~the bond. Failure of the protesting contractor to file the required bond, cashier's check or money order and/or failure of such deposits to clear the appropriate account at the time of filing the formal protest shall result in the denial of the protest.~~

Authority §1010.04(2), §1010.07(2)(b), §255.0516, Florida Statutes; BOG Regulation 18.003.

History—New 9-23-03. Formerly 6C6-6. 0057. Converted to UWF/REG 6.0057 - 7/21/05. Amended 1/5/07, 3/8/10, 12/10/10, _____.