

University of West Florida Regulations

UWF/REG-6.002 Facilities Leasing

- (1) **Purpose** – The purpose of this regulation is to implement the delegated leasing authority from the Board of Governors to the University of West Florida (“UWF”) Board of Trustees in accordance with BOG Regulation 17.001 regarding the leasing of space.
- (2) **Authority** – The UWF Board of Trustees or designee(s) may enter into leases for space in a building or any part of a building for use by the university or one of its direct-support organizations, including those leases in a research and development park with which the university is affiliated. Leases subject to s. 1010.62 F.S. must be approved by the Board of Governors, in accordance with the Board of Governors Debt Management Guidelines.
- (3) **Approval** – Before leasing a building or any part thereof, prior approval of the need and lease terms shall be obtained from The Vice President for the Division of Finance and Administration or designee(s). Prior to execution, lease terms and conditions shall be reviewed for form and legality by the Office of General Counsel. All lease agreements in compliance with the criteria set forth herein may be executed by the Vice President for the Division of Finance and Administration or designee(s).
- (4) **State Owned Buildings** – A lease agreement for space of 5,000 square feet or more in a privately owned building shall not be entered into when suitable space is available in a state-owned building located in the same geographic region unless it is determined to be in the best interest of the University. The term “state-owned building” as used in this section means any state-owned facility regardless of use or control.
- (5) **Escalation Clauses Prohibited** – A lease entered into by UWF may not contain a rental escalation clause or an open rental rate that permits an adjustment in the amount paid by the university based on the happening of a future event, such as a change in the Consumer Price Index. Any such clause in a lease shall be null and void and unenforceable. The final cost to the University for the complete term of a lease, including the projected costs for all renewal periods, must be clearly set forth in the lease or calculable based on the terms of the lease.
- (6) **Right-to-Terminate Clause Required** – A right-to-terminate clause shall be a part of any lease for a term exceeding one year and may not be omitted from any lease.
- (7) **Renewal of Leases** – A UWF lease may contain an option to renew and any such renewal shall be made according to the terms and conditions of such agreement.
- (8) **Code Compliance in Leased Space**
 - (a) Any private sector building or part thereof to be leased by UWF must comply with those portions of Florida Statutes Chapters 553 and 633, applicable to University buildings, including but not limited to fire safety, life safety, and disabled access standards.
 - (b) Before construction or renovation of any UWF leased building from a third party lessor is commenced, UWF shall require that the proposed construction or renovation plan complies with the applicable portions of Chapters 553 and 633.
 - (c) Whenever it is determined that a construction or renovation plan is not in compliance with such safety and access standards, an order may be issued to cease all construction or renovation activities until compliance is obtained, except those activities required to achieve such compliance.
 - (d) Approval of any proposed lease shall be withheld until the facility and/or construction or renovation plan complies with safety and access standards.
 - (e) The cost of all modifications or renovations made for the purpose of bringing lease property into compliance with safety and access standards shall be borne by the lessor unless otherwise agreed in writing by UWF.

(9) **Competitive Solicitation**

(a) The University of West Florida shall not enter into a lease for 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and or proposals as determined by UWF in accordance with BOG Regulation 17.001. Leases that are not subject to the competitive solicitation process include those types of leases that are enumerated in BOG Regulation 17.001. Space shall not be divided for the purpose of avoiding the requirements of this regulation.

(10) **Space Measurement** – The measurement of leased space shall be based on the method of measurement used by the State University System for gross square feet as described in the current Physical Facilities Space File.

(11) **Space Allocation** – Space allocation shall be based on the State University System Space Generation Formula.

Specific Authority: BOG Regulations 1.001(3)(j), 1.001(7)(b), and 17.001.

History–New 6-30-81, Amended 4-12- 84, Formerly 6C6-6. 002--Converted to UWF/REG 6.002 7/21/05; Amended 1/5/07, 9/4/08, 9/9/14, Technical Change 11/8/2016.