

**THE UNIVERSITY OF WEST FLORIDA
NOTICE OF CREATION OF REGULATION**

DATE: July 24, 2025

REGULATION TITLE AND NUMBER: UWF REGULATION 6.006 Procurement Services

PURPOSE AND EFFECT: This regulation is being created to consolidate multiple existing regulations that are being repealed. The regulation is in alignment with Florida Statutes and existing BOG Regulations concerning the procurement of goods and services.

SUMMARY: The proposed amendment to this regulation is as follows:

- This regulation revises and incorporates the following existing regulations, which are being repealed:
 - 6.005, Statement of Interest
 - 6.0051, Standard of Conduct (Purchasing)
 - 6.0052, Definitions
 - 6.0053, Authorities and Responsibilities of Board and University Procurement and Contracts Office
 - 6.0054, Competitive Solicitation Requirements
 - 6.0055, Purchasing Actions Not Subject to Competitive Solicitation Process
 - 6.0057, Bond Requirements
 - 6.0058, Contracts

AUTHORITY TO AMEND THE REGULATION: Florida BOG Regulations 1.001, 14.007, 14.008, 18.001, 18.002, and 18.003

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Betsy Bowers, Vice President of Finance and Accounting/CFO

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED AMENDMENT TO THE REGULATION OR CHALLENGE: Office of the General Counsel, 11000 University Parkway, Building 10, Pensacola, Florida 32514, or gcfrofrontdesk@uwf.edu

THE FULL TEXT OF THE REGULATION: The full text of the proposed amendment to the regulation is attached below this Notice. The full text of the proposed amendment and existing regulation is also posted on UWF's website: <https://uwf.edu/offices/board-of-trustees/regulations/>



Number: UWF/REG 6.006
Title: Procurement Services
Responsible
Department: Procurement and Contracts

I. Statement of Intent

It is the intent of the University of West Florida (the “University”) to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible procurement officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance of and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services in order to preserve the integrity of public purchasing and contracting.

II. Definitions

Definitions provided in Section 287.012, Florida Statutes, or the Florida Board of Governors (“BOG”) Regulation 18.001, Procurement Regulation, shall have those meanings ascribed to those terms whenever used in this Regulation, and are hereby incorporated by reference. Additional terms are defined below:

Contractor or Vendor – a person or firm who contracts to sell commodities or contractual services to the University. The terms “contractor” and “vendor” may be used interchangeably in this Regulation.

President – the chief executive officer of the University. This term includes a person serving as Interim President or Acting President and the President’s designee.

Procurement – the UWF Office of Procurement and Contracts

Public Entity Crime – a violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

III. Authority and Responsibility

The University Board of Trustees has the authority to establish regulations, policies, and procedures for acquisition of acquiring commodities and contractual services as provided in BOG

Regulation 18.001, Procurement Regulation, as it may be amended. Accordingly, Procurement is responsible for:

- A. Developing procedures for acquiring commodities and contractual services.
- B. Removing any contractor from the University's competitive vendor list that fails to fulfill any of its duties specified in a contract with the University and to reinstate any such contractor when satisfied that further instances of default will not occur.
- C. Planning and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.
- D. Where practical and available, implementing the use of existing State University System Shared Initiatives contracts unless the Director of Procurement or designee documents that such use is not in the best interest of the University.
- E. Evaluating, approving, and utilizing contracts that are entered into after a public and open competitive solicitation by any State of Florida agency, department, Florida state college or university, the Federal Government, other states, political subdivisions, cooperatives or consortia, or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such entities. The University will maintain appropriate justification for the use of such contract adoption. The University shall review existing consortia and cooperative contracts to identify potential savings and, if there is the potential for savings, enter into new consortia and cooperative contracts to achieve the savings with the goal of achieving a five percent savings on existing contract prices.
- F. Awarding contracts for commodities and contractual services to multiple suppliers if it is determined to be in the best interest of the University. Such awards may be on a university, regional, or State University System-wide basis, and the contracts may be for multiple years.
- G. Rejecting any or all competitive responses or canceling a competitive solicitation when determined to be in the best interest of the University.
- H. Barring any vendor from doing business with the University for demonstrated cause, including previous unsatisfactory performance.
- I. Prohibiting University employees and University direct support organization employees participating on a procurement selection committee for commodities or contractual services from soliciting donations from responding vendors during the selection process, except for donations or other benefits expressly stated in the procurement document.

- J. Permitting the extension of a contract entered into as a result of a competitive solicitation for up to 12 months or until completion of the competitive solicitation and award or protest, whichever is longer.
- K. Permitting the renewal of a contract entered into as a result of a competitive solicitation for a renewal period that may not exceed 5 years or twice the term of the original contract, whichever is longer, consistent with BOG Regulation 18.001(1).
- L. Making exceptional purchases of commodities or contractual services as provided in BOG Regulation 18.001(4).
- M. Developing an annual certification list to serve as a waiver of the competitive solicitation requirement for commodities and contractual services.
- N. Authorizing the payment of deposits or advance payments for a commodity or contractual service when the Director of Procurement and Contracts or the Director's designee determines that it is in the best interest of the University.
- O. Coordinating with University Facilities Management on the administration of construction services, which services shall be administered pursuant to Chapter 14 of the BOG Regulations and University construction services policies.

IV. Competitive Solicitations

- A. General.
 - 1. The opportunity to bid on a University contract is a privilege, not a right.
 - 2. All contracts for the purchase of commodities and/or contractual services exceeding the dollar amount established by BOG Regulation 18.001, Procurement Regulation ("Bid Threshold") shall be awarded pursuant to a competitive solicitation unless otherwise authorized herein.
 - 3. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.
 - 4. If less than two responsive bids, proposals, or replies for commodity or contractual service purchases are received, the University may negotiate on the best terms and conditions or resolicit.
 - 5. When multiple responses are received to a competitive solicitation exceeding the competitive solicitation threshold for personal property or printing, a preference shall be provided to vendors with a principal place of business in Florida as set forth in BOG Regulation 18.001(3).

6. The intended award shall be publicly posted by the Procurement department for 72 hours, excluding Saturdays, Sundays, and state or University holidays.
 7. All competitive solicitations shall be advertised on Procurement's website, which can be linked to a third-party site. The Procurement Director or designee shall determine if any additional advertising or the direct solicitation of relevant vendors should be used based on the characteristics of the solicitation.
 8. The contents of competitive solicitations and negotiations shall be kept confidential by the University only to the extent required by Florida public records law.
 9. In the case of extension errors, the unit price stated in the vendor's response will take precedence when determining the extended price.
- B. Purchasing actions and purchases of commodities and contractual services that are not subject to the competitive solicitation process are:
1. Purchases made pursuant to the University's owner direct purchase. Commodities to be incorporated into any public work (as that term is defined in Rule 12A-1.094, F.A.C.) that 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; and
 2. Exceptions provided in BOG Regulation 18.001(6).

V. Bond Requirements

The University may require bonds as follows:

- A. The University will require payment of a bid bond as a condition for participating in a competitive solicitation when Procurement determines that it is necessary based on the size or scope of the project. The payment of the security must be in the form of a certified cashier's or treasurer's check, bank draft, bank official check, or bid bond.
- B. Prior to the issuance of a contract, the University may require a contractor providing commodities or contractual services to furnish a payment and performance bond with good and sufficient securities. The bond or security must be in an amount equal to 100% of the response submitted to the competitive solicitation.
- C. An action of protest to a competitive solicitation must be filed pursuant to BOG Regulation 18.002, Notice and Protest Procedures for Protest Related to a University's Contract Procurement Process, and the filer shall post a bond prescribed by BOG Regulation 18.003, Bonding Requirements.

VI. Contracts

- A. Contracts for commodities or contractual services shall consist of a purchase order or an agreement signed by the President or designee prior to the purchase of the commodities or the rendering of the contractual services. This provision does not limit the purchase of commodities or contractual services through purchasing cards or direct payments.
- B. Any contract for the purchase of commodities or contractual services for a period in excess of one fiscal year shall include the following or substantially similar language: "The University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Florida Legislature."
- C. Contract extensions, renewals, amendments, and modifications to terms, conditions, or scope shall be permitted, shall be in writing, and, where applicable, are subject to annual appropriations by the Florida Legislature. The extension of a contract entered into as a result of a competitive solicitation shall be permitted for up to 12 months or until completion of the competitive solicitation and award or protest, whichever is longer. The renewal of a contract entered into as a result of a competitive solicitation shall be permitted for a period that may not exceed five years or twice the term of the original contract, whichever is longer.
- D. Consolidated financing of deferred payment purchases made by or on behalf of the University must be handled in accordance with Section 287.064, Florida Statutes. No agreement shall establish a debt of the State or shall be a pledge of the faith and credit of the State, nor shall any agreement be a liability or obligation of the State except from appropriated funds.
- E. Contracts entered into by the University that limit the liability of the vendor shall be bound by Section 672.719, Florida Statutes.
- F. The total value of a contract shall be defined as the initial cost or revenue to the University for the maximum term of the contract plus the cost or revenue of all options, extensions, and renewals.

VII. Protest Procedures

Protests arising from all University contract procurement processes for the purchase of commodities or contractual services, leases, and construction-related competitive solicitations shall be handled in accordance with BOG Regulation 18.002, Notice and Protest Procedures for Protest Related to a University's Contract Procurement Process.

VIII. Standards of Conduct and Limitation on Participation

- A. All individuals participating in the procurement process are bound by the State of Florida Code of Ethics for Public Employees, Chapter 112, Part III, Florida Statutes, and UWF

Policy HR-23, Outside Activities and Conflicts of Interest, as well as any other applicable laws, regulations, and policies.

- B. It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form, or type in connection with any contract for commodities or contractual services. Current and potential contractors and vendors are prohibited from offering an employee of the University a gratuity of any kind, form, or type to influence the development of a contract or potential contract for commodities or contractual services.
- C. All individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall be independent of, and have no conflict of interest in, the entities evaluated and selected. University employees and University direct support organization employees participating on a procurement selection committee for commodities or services are prohibited from soliciting donations from responding vendors during the selection process, except for donations or other benefits expressly stated in the procurement document.
- D. The University shall not accept a competitive solicitation from, or purchase commodities or contractual services from, a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date of being added to the convicted vendor list.
- E. Contractors that participate in the development or drafting of a competitive solicitation, including specifications, requirements, a scope of work to be included in a solicitation, or development of a program for future implementation, shall be excluded from competing for such procurements.

Effective Date: [date]

Authority: Florida BOG Regulation 1.001, University Board of Trustees Powers and Duties
Florida BOG Regulations 18.001, 18.002, 18.003
Florida BOG Regulations 14.007, 14.008

History: Created [date] (consolidated UWF Regulations 6.005, 6.0051-6.0055, and 6.0057-6.0058; Regulation 6.0056 was repealed)