

**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 amendment will provide that unsolicited proposals demonstrating an innovative and unique method, approach, or concept shall be exempted from the competitive solicitation process, allowing the University to respond to such proposals that promote, enhance or serve the University's mission, and will also provide an exemption for non-regulated specialized services.

**AUTHORITY:** Florida Board of Governor's Regulations 18.001 and 18.002; Section 1010.04, Florida Statutes.

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:** Patricia Lott, General Counsel

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Patricia Lott, General Counsel, [plott@uwf.edu](mailto:plott@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 August 23, 2011 to receive full consideration.

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

August 5, 2011

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

**University of West Florida Regulations**

**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 BOG 18.0002, Board of Governors Regulations.

(3) Unsolicited Proposals. Contracts awarded in response to unsolicited proposals that promote, enhance or serve the University's mission and which demonstrate an innovative and unique

method, approach, or concept shall be exempted from the competitive solicitation process. The Exemption from Competition Affidavit will be publicly posted in accordance with Florida Board of Governors Regulation 18.002-

~~(43)~~ 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.

~~(54)~~ 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, architectural, engineering, accounting, auditing, and legal services;

(e) Minor, non-regulated specialized services (including, but not limited to services such as scheduling and commissioning incidental to a construction or infrastructure project);

~~(fe)~~ Health-care and related services under provisions of the Internal Revenue Code;

~~(gf)~~ Family placement services;

~~(hg)~~ Training and education services;

~~(ih)~~ Advertising;

~~(ji)~~ Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and universities;

~~(kj)~~ Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;

~~(lk)~~ Regulated utilities and government franchised services;

~~(ml)~~ Regulated public communications, except long distance telecommunication services or facilities;

~~(nm)~~ Extension or renewal of an existing contract;

~~(on)~~ Purchases for resale;

~~(pe)~~ 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;

~~(qp)~~ Proprietary or copyrighted goods or services;

~~(rq)~~ 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; ~~and~~

~~(sf)~~ 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; ~~and-~~

~~(ts)~~ Purchases from an Annual Certification list developed by the University and publicly posted in accordance with BOG 18.002, Board of Governors Regulations.

*Specific Authority §1010.04, FS; Florida Board of Governor's Regulations 18.001 and 18.002; 1001.74(4)FS, Law Implemented 1001.75(5), 1010.04(2) FS. History-New 9-23-03. Formerly 6C6-6.0055. Converted to UWF/REG 6.005 – 7/21/05. Amended 1/5/07, \_\_\_\_\_, 2011.*