Florida Gulf Coast University Board of Trustees
June 18, 2013

SUBJECT: Regulation FGCU-PR6.024 Disqualification and Right to Appeal

PROPOSED BOARD ACTION
Approve Regulation FGCU-PR6.024, Disqualification and Right to Appeal.

BACKGROUND INFORMATION
This new regulation provides the method and notice requirement for disqualifying architects, engineers and contractors from participation on future University construction projects.

Supporting Documentation Included: Notice and Text Regulation FGCU-PR6.024 Disqualification and Right to Appeal

Prepared by: Director of Facilities Planning Thomas Mayo

Legal Review by: Vice President and General Counsel Vee Leonard (May 17, 2013)

Submitted by: Vice President for Administrative Services and Finance Steve Magiera
REGULATION TITLE:
Disqualification and Right to Appeal

REGULATION NO.:
FGCU-PR6.024

SUMMARY:
This regulation establishes procedures to disqualify an architectural, engineering, or construction management firm and/or construction contractors, as well as a process to appeal the disqualification determination.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

LAW IMPLEMENTED:
Board of Governors Regulations 1.001 and 14.022, §1001.706, Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Thomas Mayo, Director, Facilities Planning

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Steve Magiera, Vice President for Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Executive Assistant, dstjohn@fgcu.ed  239.590.7466 (Phone), 239.590.7470 (Facsimile); 10501 FGCU Blvd. S, Fort Myers, FL 33965-6565.

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE JUNE 3, 2013 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: MAY 16, 2013
REGULATION: FGCU-PR6.024
Disqualification and Right to Appeal

A. DETERMINATION OF DISQUALIFICATION

1. When the results of the evaluation provided for under FGCU-PR6.023 show deficient performance, unjustified delay in completing work, defective or unacceptable workmanship, failure to comply with contract terms, or any other unfavorable result that adversely impacts the completion of the project, such results will be used to determine whether the firm or contractor should be disqualified from providing future services to the University.

2. If a review of the evaluation results support a determination of disqualification, the Director of Facilities Planning will recommend to the Vice President for Administrative Services and Finance, as the President’s designee, that the offending firm or contractor be disqualified from participation on future University projects.

B. NOTICE OF DISQUALIFICATION

When the University has determined that the firm or contractor will be disqualified from participation on future University projects, the University shall notify the firm or contractor in writing of the specific grounds that are the basis for the disqualification. Upon receipt of such notice, that firm or contractor has the right to appeal the disqualification.

C. APPEAL

The appeal process to address a disqualification will be outlined in a University policy and procedure for the hearing proceedings conducted pursuant to this Regulation and shall be in accordance with the Board of Governors Regulation 18.002.

Approved by the Florida Gulf Coast University Board of Trustees

Law Implemented:
Board of Governors Regulations 1.001, 14.022 and 18.002, §1001.706, Florida Statutes

History of Regulation:
New:__________

Effective Date of Regulation:
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