Florida Gulf Coast University Board of Trustees
October 21, 2008

SUBJECT: Competitive Solicitations Requirement (FGCU-PR6.015)

PROPOSED BOARD ACTION

Approve revisions to university regulation.

BACKGROUND INFORMATION

The regulation is being updated to provide consistency between University regulations and Board of Governors’ Regulation 18.001.

All state universities are required to utilize the Board of Governors’ Regulation Development Procedure. This updated FGCU measure assists in handling matters based upon today’s current practices and expectations.

Supporting Documentation Included: Notice and Competitive Solicitation Requirements Regulation (FGCU PR6.015)

Prepared by: Director of Procurement Services Maryan Egan

Legal Review by: General Counsel Vee Leonard (9/19/08)

Submitted by: Vice President for Administrative Services and Finance Joe Shepard
FLORIDA GULF COAST UNIVERSITY
NOTICE OF REGULATORY ACTION
September 19, 2008

REGULATION TITLE:
Competitive Solicitations Requirement

REGULATION NO.:
FGCU-PR6.015

SUMMARY:
This regulation is being revised to provide consistency with the Board of Governors' regulation regarding competitive solicitations.

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:
§1001.74, 1010.04 F.S., 287.42, 287.0582, 287.084, 287.087, 287.092

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Maryan Egan, Director of Procurement Services

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Dr. Joseph Shepard, Vice President for Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE OCTOBER 3, 2008 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: SEPTEMBER 19, 2008.
(1) The University will provide notice of any information relating to a competitive solicitation by advertising for bids or by distribution of solicitation documents.

(2) All purchase orders or contracts for the purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(3) Competitive solicitations for purchases that are expected to be in excess of $50,000 annually shall be advertised by the University in the Florida Administrative Weekly, a newspaper of general circulation, or electronically posted on the www.myflorida.com website (Florida Communities Network). All competitive solicitations will be electronically posted on the University's www.fgcu.edu website (Purchasing-Procurement Services Department). The President or designee shall waive the advertisement requirement when the number of potential responders is limited and can otherwise be solicited, when the availability of funding so requires, or when delivery is urgent.

(4) When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000 annually, the University will review the solicitation response and circumstances surrounding the solicitation to determine if a second call for a competitive solicitation will yield the same results. If it is determined that a second call is not in the University’s best interests or would yield the
same results, then the University will proceed with the acquisition. The University may proceed with the acquisition.

(5) When multiple responses that are equal in all respects are received to an invitation to bid, the University will give preference, in the following order of priority, to bids that include commodities manufactured in the State of Florida, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state, to determine the contract award. If use of these preferences does not determine a contract award, the toss of the coin shall be used to award the contract.

(6) In the case of extension errors in a response to a competitive solicitation, the unit price will prevail.

(7) A Contractor may withdraw a competitive solicitation response, in writing, at any time within seventy-two (72) hours prior to the response opening, excluding Saturdays, Sundays and University holidays, or at any time thereafter with the written consent of the President or designee when the University’s interests will not be adversely affected by the withdrawal.

(8) Notices of Intent to Award competitive solicitations shall be publicly posted at the Purchasing Procurement Services Department website for a minimum of seventy-two (72) hours excluding Saturdays, Sundays and University holidays.

Specific Authority:
§1001.74(4), 1010.04 FS., BOG Regulation 18.001

Law Implemented:
§1001.74, 1010.04 F.S., 287.42, 287.0582, 287.084, 287.087, 287.092

History:
New 9/30/99; Amended 7/10/03

Effective Date of Regulation:
July 10, 2003

FGCU-PR6.015 July 10, 2003