Florida Gulf Coast University Board of Trustees
October 21, 2008

SUBJECT: Bonds (FGCU-PR6.017)

PROPOSED BOARD ACTION

Approve revisions to university regulation.

BACKGROUND INFORMATION

The regulation is being updated to provide consistence between University regulations and Board of Governors’ regulation 18.003.

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 Bonds Regulation (FGCU PR6.017)

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:
Bonds

REGULATION NO.:
FGCU-PR6.017

SUMMARY:
The regulation is being revised to provide consistency with the Board of Governors' regulation regarding bonding requirements related to procurement of commodities or services.

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., BOG Regulation Procedure 18.003

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) Solicitation Security. A certified, cashier’s or treasurer’s check, bank draft, bank official check, bid bond or other form of security acceptable to the University may be required as a condition for participating in a competitive solicitation.

(1)-(2) Payment and Performance Bonds. Any contractor contracting with the university to provide commodities, services or commodities which include installation, maybe required to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract. The bond or security must be in an amount equal to 100% of the response submitted to the competitive solicitation. The University shall require any vendor contracting with the University to provide services or commodities that include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the contract amount is greater than $200,000 and the University is uncertain about the contractor's ability to perform.

(2)(3) Solicitation Protest Bond. Any contractor entity filing an action pursuant to Section 120.57(3)(b), Florida Statutes, protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal written protest, post with the University, a bond, cashier’s check or money order payable to the University in an amount equal to: 10% of the estimated value of the protestor’s bid or proposal; 10% of the estimated expenditure during the contract term; or $10,000, or whichever is less. The bond, cashier’s check or money order security shall be conditioned upon the payment of all costs that may be adjudged against the contractor filing the protest action. Failure of the protesting contractor to file the required bond, cashier’s check or money order at the time of filing the formal protest shall result in the denial of the protest.

Specific Authority:
1001.74(4), 1010.04 F.S.

Law Implemented:
120.57(3)(b), SS255.05, 255.051, 1001.74(5), (17), (29), 1001.75(5), 1010.04 F.S.

History of Rule:
New 9/30/99, Amended 7/10/03

History of Regulation:
New: 1/15/08, Amended

Effective Date of Regulation:
1/15/08