

**THE UNIVERSITY OF WEST FLORIDA**  
**NOTICE OF PROPOSED EMERGENCY AMENDMENT TO REGULATION**

**DATE:** September 1, 2020

**REGULATION TITLE AND NUMBER:** UWF REGULATION 6.0053 - *Authorities and Responsibilities of Board and University Procurement and Contracts Office.*

**PURPOSE AND EFFECT:** On July 23, 2020, the SUS Board of Governors updated BOG 18.001 - *Procurement*. Substantive revisions and updates to UWF Regulation 6.0053 - *Authorities and Responsibilities of Board and University Procurement and Contracts Office* are proposed to comply with the recent amendments.

**SUMMARY:** The proposed amendments to this regulation are as follows:

Article I: Authority

- Added the following language: “In accordance with Florida Board of Governors Regulations 1.001 and 18.001, the following Regulation applies to all University offices, departments, divisions, institutes and centers.”

Article II: Statement of Regulation

- Added the following language: “In order to meet the University of West Florida's mission, Procurement and Contracts administers and establishes basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services. Responsible Purchasing officials shall be protected from improper pressures of external political or business interests while carrying out their duties. Procurement and Contracts administers and provides management and oversight for this UWF Regulation.”

Article III: Responsibilities of the Procurement and Contracts Office

- Added the following responsibilities:
  - Planning, coordinating and maintaining appropriate justification for purchases in volume and negotiating and executing contracts for commodities and contractual services under which the University may make purchases.
  - Where practical and available, implementing the use of existing State University System shared initiative contracts; unless the Chief Procurement Officer or designee documents that such use is not in the best interest of the University.
  - Evaluating, approving, and utilizing for University use, contracts that are entered into after a public and open competitive solicitation let by cooperatives or consortia and any other college or university entities when it is determined to be in the best interest of the University. The University will maintain appropriate justification for the use of services contract adoption. Procurement and Contracts 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.
  - Prohibiting University employees and University direct support organization

employees participating on a procurement selection committee for commodities or services from soliciting donations from responding vendors during the selection process.

- Barring any vendor from doing business with the University for demonstrated cause, including previous unsatisfactory performance.

#### History Section

- Will be updated to reflect applicable changes.

**AUTHORITY TO AMEND THE REGULATION:** Article IX of the Florida Constitution; Fla. Stat. § 1010.04(2); Florida Board of Governors Regulation 18.001.

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED EMERGENCY REGULATION AMENDMENT:** Betsy Bowers, Vice President for Finance and Administration.

**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 EMERGENCY AMENDMENT TO THE REGULATION OR CHALLENGE:** Pamela E. Langham, Esquire, General Counsel, Office of the General Counsel at [plangham@uwf.edu](mailto:plangham@uwf.edu) or [grozier@uwf.edu](mailto:grozier@uwf.edu), or 850-474-3420 or Office of the General Counsel, Building 10, 11000 University Parkway, Pensacola, Florida 32514.

**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/>

In addition, the full text of the proposed emergency amendment to the regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at 1.850.474.3420 or [grozier@uwf.edu](mailto:grozier@uwf.edu)



# Regulations

**Number:** UWF/REG – 6.0053  
**Title:** Authorities and Responsibilities of Board and University Procurement and Contracts Office

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## **I. Authority**

In accordance with Florida Board of Governors Regulations 1.001 and 18.001, the following Regulation applies to all University offices, departments, divisions, institutes and centers.

The University Board of Trustees has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual service required by the University.

## **II. Statement of Regulation**

In order to meet the University of West Florida's mission, Procurement and Contracts administers and establishes basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services. Responsible Purchasing officials shall be protected from improper pressures of external political or business interests while carrying out their duties. Procurement and Contracts administers and provides management and oversight for this UWF Regulation.

## **III. The Procurement and Contracts Office is Responsible for:**

- A. Obtaining and providing commodities and services for the University, through any legal manner and business instrument.
- B. [Planning, coordinating and maintaining appropriate justification for purchases in volume and negotiating and executing contracts for commodities and contractual services under which the University may make purchases.](#)
- C. Denying [or barring](#) any contractor future University business if the contractor (including any processors) failed to perform any duties specified in a contract with the University. The Chief Procurement Officer shall also have the authority to reinstate any such contractor when satisfied that further instances of default will not occur.
- D. [Where practical and available, implementing the use of existing State University System shared initiative contracts; unless the Chief Procurement Officer or designee documents that such use is not in the best interest of the University.](#)

E. Evaluating, ~~approving~~, and ~~utilizing~~ for University use, contracts let by ~~any State of Florida college, university, and agency, or any other, federal or state,~~ governmental entities, ~~and~~ political subdivisions when it is determined to be in the best interest of the University.

**Deleted:** approving

F. ~~Evaluating, approving, and utilizing for University use, contracts that are entered into after a public and open competitive solicitation let by cooperatives or consortia and any other college or university entities when it is determined to be in the best interest of the University. The University will maintain appropriate justification for the use of services contract adoption. Procurement and Contracts 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~~

**Deleted:** , educational entities, cooperatives, and consortiums

G. The Chief Procurement Officer shall refer to the President any written notice of intent to protest. In accordance with University Regulation 6.0054 Competitive Solicitation, the President may elect to proceed with a bid solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University.

H. ~~Prohibiting University employees and University direct support organization employees participating on a procurement selection committee for commodities or services from soliciting donations from responding vendors during the selection process.~~

I. Awarding contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University.

J. ~~Rejecting or canceling any or all competitive solicitations.~~

K. ~~Barring any vendor from doing business with the University for demonstrated cause, including previous unsatisfactory performance.~~

L. Authorizing the payment of deposits or advance payments for a commodity or contractual service when the Chief Procurement Officer or designee determines that it is in the best interest of the University.

M. Recommending exceptions to contractual requirements set forth in UWF Reg. 6.0058 for approval by the Vice President for the Division requesting the exception upon a determination that the exception is in the best interest of the University considering the risk involved and the benefit to be obtained.

N. Ensuring that items that are of a personal nature or for personal convenience of employees shall not be purchased. Examples are: fans, heaters, coffee pots, mugs, refrigerators, microwaves, picture frames, wall hangings, smoke/air filters and various decorative items.

*Authority §1010.04(2) FS.; BOG Regulation 18.002.*

*History—New 7-1-03. Formerly 6C6- 6.0053. Converted to UWF/REG 6.0053 - 7/21/05. Amended 1/5/07, 12/10/10, 9/26/11, \_\_\_\_\_.*

