

NOTICE OF PROPOSED REGULATION AMENDMENT
October 27, 2006

DEPARTMENT OF EDUCATION
Division of Universities
University of West Florida
REGULATION TITLE:

UWF REG 6.0055 Purchasing Actions Not Subject to Competitive Solicitation Procedures

PURPOSE AND EFFECT: The purpose of the amendment to this regulation is to omit unnecessary language; reflect the name change for the responsible department; and transfer provision related to standards of conduct to 6.0051.

SUMMARY: The proposed amendment reflects the transfer of provisions to another regulation for improved clarity, editing of language for improved clarity.

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED.

SPECIFIC AUTHORITY FOR REGULATION: 1001.74(4) FS.

LAW IMPLEMENTED: 1001.74(5), 1001.75(5), 1010.04(2) FS.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION: Mr. David O'Brien, Assistant Vice President for Administrative Affairs.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Vicki Knaack, Coordinator, vknaack@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 must be sent in writing to the contact person on or before November 10, 2006 to receive full consideration.

University of West Florida Regulations

UWF/REG-6.0055 ~~Purchasing~~Procurement Actions Not Subject to Competitive Solicitation Process.

~~Purchasing~~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 ~~notice of intent to award for procurements sole source exemption form over the competitive bid threshold~~ will be publicly posted in accordance with Section 120.57(3)(c), F.S.
- ~~(3) Commodities and services covered by contracts established by entities as described in Rule 6C6-6.0053, F.A.C.~~
- (4) 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.
- (5) 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) Insurance;
 - (f) Health-care and related services under provisions of the Internal Revenue Code;
 - (g) Family placement services;
 - (h) Training and education services;

- (i) Advertising;
- (j) Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and universities;
- (k) Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
- (l) Regulated utilities and government franchised services;
- (m) Regulated public communications, except long distance telecommunication services or facilities;
- (n) Extension or renewal of an existing contract;
- (o) Purchases for resale;
- (p) 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;
- (q) Proprietary or copyrighted goods or services;
- (r) 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
- (s) 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.

~~(6) Participants in Project Development.~~

~~(a) No person or firm who performs a feasibility study for potential implementation of a subsequent contract, develops a program for future implementation, or participates in the procurement development process shall be eligible to contract with the University for projects related to the specific subject matter unless such contracts are awarded as required by the rules relating to the competitive solicitation process.~~

~~(b) Participants in the procurement development process, selection of criteria for evaluation, the evaluation process, or the contract award process in any purchase shall abide by all relevant portions of the State of Florida Code of Ethics for Public Employees, Chapter 112, F.S.~~

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(5), 1001.75(5), 1010.04(2) FS. History—New 9-23-03. Formerly 6C6-6.0055. Converted to UWF/REG 6.0055 - 7/21/05. Amended.