

# 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](mailto: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.**



**REGULATION: FGCU-PR6.015**

**Competitive Solicitations Requirement**

Effective  
Date of  
Regulation:

07-10-03

(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~~75,000 shall be awarded pursuant to a competitive solicitation, unless otherwise ~~authorized~~ permitted. ~~Chapter 6C10-6, F.A.C~~  
The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

~~(2) The University shall require vendors to submit a solicitation security with their response to a competitive solicitation when the contract amount is expected to be greater than \$100,000 and it is in the University's best interests to require the security. The solicitation security shall be in the form of a bid bond, certified, treasurer's or cashier's check or bank draft and the required amount shall be no greater than ten percent (10%) of the estimated value of the response value. The failure to submit such security with the response shall result in disqualification of the response.~~

(3) Competitive solicitations for purchases that are expected to be in excess of ~~\$50,000~~ 75,000 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~~ 75,000 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~~ may proceed with the acquisition. The University retains the right to reject or cancel any or all competitive solicitations where it is deemed to be in the best interest of the University.

(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 of prior to~~ the response opening, excluding Saturdays, Sundays and University holidays, or at any time thereafter with the written consent of the ~~President~~ Vice President for Administrative Services and Finance 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~~ on the ~~Purchasing~~ Procurement Services Department website for a minimum of seventy-two (72) hours excluding Saturdays, Sundays and University holidays.

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**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~~ \_\_\_\_\_