

**Florida Gulf Coast University Board of Trustees
April 21, 2009**

SUBJECT: Regulation: FGCU-PR6.018 Contracts

PROPOSED BOARD ACTION

Approve revision to University regulation.

BACKGROUND INFORMATION

The language in the existing regulation was last modified in 2008. This revision will bring FGCU in compliance with Florida Statute 287.057. Section (3) is modified to change the extension period of a contract from twelve to six months.

Supporting Documentation Included: Notice and Regulation Contracts (FGCU-PR6.018)

Prepared by: Director of Procurement Services Maryan Egan

Legal Review by: General Counsel Vee Leonard (March 19, 2009)

Submitted by: Vice President for Administrative Services and Finance Joe Shepard

FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

March 19, 2009

REGULATION TITLE:

Contracts

REGULATION NO.:

FGCU-PR6.018

SUMMARY:

This regulation outlines various general contractual requirements and provisions.

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.

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:

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ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE APRIL 3, 2009 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 MARCH 19, 2009.



REGULATION: FGCU-PR6.018

Effective
Date of
Regulation:

~~01-15-08~~

Contracts

- (1) Contracts for commodities or contractual services shall consist of a purchase order or bilateral agreement signed by the President or designee and the contractor prior to goods or services being rendered, ~~by the contractor~~. For purchases that the President or designee determines are emergency purchases in accordance with paragraph FGCU-PR6.016(5)(a), a contract shall consist of a purchase order or signed bilateral agreement ~~signed by the President or designee~~ prior to or within thirty (30) days of the goods or services being rendered by the contractor.
- (2) Any contract for the purchase of services or tangible personal property for a period in excess of one fiscal year shall include the following statement: "The State of Florida and University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature".
- (3) Extension of an existing contract for contractual services shall be for a period not to exceed ~~12~~six (6) months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract and any amendments thereto. There shall be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the contractor.
- (4) A contract may contain provisions for renewal for a period no longer than the initial term of the contract. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are contingent upon satisfactory performance as determined by the University and subject to sufficient annual appropriations and shall be executed in writing by both parties.
- (5) The President or designee is authorized to enter into deferred payment agreements through the State of Florida's Consolidated Equipment Financing Program. No agreement shall establish a debt of the state or shall be a pledge of the faith and credit of the state; nor shall any agreement be a liability or obligation of the state except from appropriated funds.

(6) In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a vendor in accordance with Section 672.719, Florida Statutes.

Specific Authority:

§§1001.74(42), 1010.04 F.S.

Law Implemented:

§§~~672.719, 1001.74(5), (17), (29), 1001.75(5)~~, 1001.74, 1010.04 F.S.

History of Rule:

New 9-30-99, Amended 7-10-03

History of Regulation:

New January 15, 2008, Amended

Effective Date of Regulation:

January 15, 2008