



04/21/09

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. 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 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 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(2), 1010.04 F.S.

Law Implemented:

§§ 1001.74, 1010.04 F.S.

History of Rule:

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

History of Regulation:

Renumbered 1/15/08, Amended 4/21/09

Effective Date of Regulation:

4/21/09

ARCHIVED