Agenda item:
USF Board of Trustees
September 10, 2009

Issue: Purchasing Regulations: USF 4.02000; 4.02010; 4.02020; 4.02030; 4.02040; 4.02050; 4.02060; 4.02070; 4.02080; 4.02090.

Proposed action: Authorize amendments to Purchasing Regulations listed above.
Adoption of new Regulation, USF4.02090, Notice of a Decision and Protest Procedures.

Background information:
The Florida Board of Governors Resolution (1/7/03) provides that each board of trustees may adopt regulations to implement the provisions of law conferring duties upon it. Such regulations must be adopted pursuant to the Board of Governors Regulation Development Procedure (7/21/05) and must be consistent with law and the resolutions and strategic plan of the Board of Governors. The BOG Procedure also calls for a university to monitor the effects of new regulations and periodically review existing regulations to ensure they are current and consistent.

Board of Governors Regulation 18.001 (3-27-08) requires university boards of trustees to adopt regulations establishing criteria related to procurement, procedures and practices to be used in acquiring commodities and contractual services.

USF system Vice President & CFO, Business and Finance conducted a comprehensive review of all USF system purchasing policies and regulations and determined that the regulations listed above should be revised, as required by BOG Regulations 18.001 and 18.003 to reflect current USF system purchasing authority and practices. The proposed new regulation, 4.02090, Notice of a Decision and Protest Procedures, is proposed pursuant to BOG regulation 18.002 to provide procedures for notice and protest.

Many of the amendments to the regulations were stated in repealed policies and are now consolidated into the amended regulations. Text of the amended regulations follows in this document. See attachment, “Purchasing Regulations-Brief Explanation” for a summary chart.

The Finance Management Council reviewed the amended regulations and the policies to be repealed, May 15, 2009.

Strategic Goal(s) Item Supports: IV
Workgroup Review:

Prepared by: OGC and Business and Finance
(1) In order to meet the University’s mission, it is the intent of Purchasing and Property Services to provide management and oversight to acquire quality commodities and contractual services while promoting fair and open competition in the public procurement process. Responsible Purchasing officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting.

Authority: Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors. History: New Effective Date 04-29-2003, Amended ______________.
Artistic Services. Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

Commodity. Any of the various supplies, materials, goods, merchandise, food, equipment, software or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing is not subject to Chapter 283, Florida Statutes. Of publications shall be considered a commodity when let upon contract in accordance with Section 283.33.

Competitive Solicitation. An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor/vendor.

Contractor/Vendor. A person or firm who contracts to sell commodities or contractual services to the University.

Contractual Service. The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. “Contractual service” does not include labor or materials for the construction, renovation, repair or demolition of facilities.

Extension. An increase in the time allowed for the contract period.

Independent Contractor. A person or firm who provides a service to the University and in compliance with Chapters 112.313 and 440 F.S. Florida or federal laws and IRS Code.
(8) Invitation to Bid. A written solicitation for competitive bids for commodities, group of commodities, or contractual services defined for which bids are sought. The invitation to bid is used with a specifically defined scope of work for which a contractual service is required or with precise specifications defining the actual commodity or group of commodities required.

(9) Invitation to Negotiate. A written solicitation to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost shall not be the sole consideration in the initial stages of negotiating select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the USF system determines that negotiations may be necessary for the USF system to receive the best value.

(10) Public Entity Crime. A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.

(11) Purchase. An acquisition of commodities, contractual services or licenses obtained by purchase order or contract whether by rent, lease, installment- or lease-purchase or outright purchase.

(12) Purchases for Resale. The purchase of commodities or contractual services by the USF system University for the purpose of selling commodities and contractual services for the benefit of the USF system University.

(13) Purchasing and Property Services. A University. The department responsible for oversight of the acquisition of commodities and contractual services, which is located at the Tampa campus at University Tech Center I.

(14) Renewal. Contracting with the same contractor for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.
(15) Request for information. A written request to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted to form a binding contract.

(16) Request for Proposal. A written solicitation for competitive proposals for commodities or contractual services when the scope of work is not clearly defined. The request for proposal is used when it is not practicable to specifically define the scope or work for which the commodity, group of commodities, or contractual service is required and requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document.

(17) Request for a quote. An oral or written request for written pricing or services information from vendors for commodities or contractual services.

(18) Responsive and Qualified Bidder or Offeror. A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

(19) Term Contract. An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed period of time.

Authority: Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors.

Specific Authority 1001.74(4); 1010.04(2) F.S.; Law Implemented 1001.74(5) F.S.; History: New Effective Date - 04/29/2003, Amended ________.
USF SYSTEM REGULATION USF4.02020-ROLE OF PURCHASING SERVICES DUTIES

(1) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University USF system, in any manner, including purchase by installment or lease-purchase contracts. Installment or lease-purchase contracts can provide for the payment of interest on unpaid portions of the purchase price.

(2) Remove any contractor from the University’s USF system’s competitive vendor list that fails to fulfill any of its duties specified in a contract with the University USF system (or another state University university) and to reinstate such contractor when satisfied that further instances of default will not occur.

(3) Plan and coordinate purchases in volume and negotiate and execute agreements and contracts for commodities and contractual services under which the University USF system has the option to make purchases.

(4) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities or contractual services that are frequently purchased and are available from a single source.

(5) Evaluate contracts for commodities or contractual services entered into by other governmental or educational entities (including the Federal Government, other state governments, political subdivisions, or any public or private college or university or educational cooperative or educational consortium) as a result of a competitive solicitation. Approve the University’s USF system’s use of such contracts (in lieu of issuing a competitive solicitation) for the procurement of the same commodities and contractual services, when it is cost-effective and in the best interest of the University USF system to do so.

(6) Award contracts for commodities and contractual services to multiple suppliers, if such is determined to be in the best interest of the University USF system. Such awards can be on a University USF system, regional or state university wide basis and for multiple years.

(7) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University USF system.
(8) Authorize the payment of deposits or advance payments for a commodity or contractual service when the Director or designee determines that it is in the best interest of the University.

(9) All purchases, including leases, over one million dollars ($1,000,000) require the approval and signature of the Senior Vice President & CFO, Business and Finance. Authority for such items at one million dollars or less is delegated to the Director and Associate Director, Purchasing and Property Services of the USF system. Unless officially delegated, no other unit or individual is authorized to sign contractual agreement for purchase of commodities or services or for leases of property. All contractual agreements require the review and approval of General Counsel's Office as to form and legality.
PURCHASING AND PROPERTY SERVICES PROVIDE MANAGEMENT AND OVERSIGHT OF THE
COMPETITIVE SOLICITATION PROCESS FOR THE USF SYSTEM EXCEPT WHERE NOTED.

(1) The purchase of commodities or contractual services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized.

(2) When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000, the University has the option to review the solicitation responses to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not serve a useful purpose, the University can proceed with the acquisition.

(3) When multiple responses that are equal in all respects are received to a competitive solicitation, the University will give preference, in the following order of priority, to the responses: Responses that include commodities manufactured in the State of Florida, responses from Florida businesses, responses from businesses with a drug-free workplace program, responses from foreign manufacturers located in the State of Florida, in order to award. If the use of these preferences does not result in a determination of who should be awarded the contract, the toss of the coin shall be used to award the contract.

(4) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(5) The award of a competitive solicitation shall be publicly posted by Purchasing and Property Services, located at the Tampa campus, for 72 hours excluding Saturdays, Sundays or holidays.

(6) Formal written price quotes are not required for the purchase of commodities, goods, or services amounting to less than $5,000. However, verbal quotes must be documented.
The purchase of commodities, goods or services with a value greater than or equal to $5,000 and less than $25,000 must have quotations either verbal or written, verbal quotes must be documented in requisition. At least two (2) quotes are required.

The purchase of commodities, goods or services with a value greater than or equal to $25,000 and less than $75,000 requires at least three (3) written quotations.

Public notice of issuance of a competitive solicitation or any committee meetings related to such competitive solicitation will be posted on the Tampa campus Purchasing Department's public bulletin board located outside of the Purchasing Department. The notice will be posted on the USF Purchasing Department's website, and State of Florida Vendor Bid System.

Authority: Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors. Specific Authority 1001.74(4); 1010.04(2) F.S.; Law Implemented 1001.74(5); 1010.04(4) F.S.; History: New, Effective Date 04/29/2003, Amended.
(1) Purchase of Insurance. The USF system has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that can be acquired by the University include: All such purchases require the approval of Purchasing and Property Services.

(a) Physical damage on vehicles and boats

(b) Inland marine on property owned, leased, or loaned to or by the University

(c) Building and property damage

(d) Equipment losses due to theft

(e) Equipment subject to transportation

(f) Loss of rental income

(g) Commercial general liability insurance for scientific equipment

(h) Excess general liability coverage

(i) Camps insurance

(j) Health insurance.

(2) Purchase of Printing. Printing shall be purchased in accordance with Chapter 283 F.S.

(3) Purchasing actions that are not subject to the competitive solicitation process include:
(a) Emergency Purchases. When the USF system President or designee determines, in writing, that: a condition exists that threatens the delay due to the competitive solicitation process would pose an immediate danger to public health or safety of person(s) or animal(s) or the preservation of property or the continuance of a vital university function, the welfare of the USF system, including USF system tangible and/or intangible assets; or would otherwise cause significant injury or harm, the university may proceed with an emergency purchase. The emergency purchase is limited to the purchase of only the type of items and quantities of items necessary and for only the time period necessary to meet the immediate need.

(b) Sole Source Purchases. Commodities or contractual services available from a single source are exempt from the competitive solicitation process. Sole Source document shall be publicly posted by Purchasing and Property Services at the Tampa campus for 72 hours, excluding Saturdays, Sundays and State of Florida holidays.

(c) Purchases from Contracts of other governmental or educational agencies resulting from their competitive solicitation process and Negotiated Annual Price Agreements established by the State of Florida, other governmental entities, other universities in the State University System, or other independent colleges and universities, are not subject to further competitive solicitations.

(4) Types of commodities and contractual services that are not subject to the competitive solicitation process include:

(a) Artistic services

(b) Academic reviews

(c) Lectures

(d) Auditing services

(e) Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services
(f) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, wheelchairs and other related equipment and supplies, and provided such devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client.

(g) Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122.

(h) Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed.

(i) Family placement services.

(j) Training and education services.

(k) Advertising.

(l) Commodities or contractual services provided by government agencies, another university in the State of Florida University System, direct support and affiliate organizations of the USF system, political subdivisions, universities or other public, independent or private colleges and or universities and health support organizations and faculty practice plans.

(m) Programs, Conferences, Workshops, or Continuing education events or other USF system programs that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event.
(n) Programs, conferences or events that have been specified by a grant, can include, but are not limited to items such as lodging, meeting rooms, services and food.

(o) Purchases from firms or individuals that are prescribed by state or federal law or specified by granting agency.

(p) Regulated utilities and governmental franchised services.

(q) Extension of an existing contract.

(r) Renewal of an existing contract if the terms of the contract specify renewal option(s).

(s) Purchases from the Annual Certification List.

(t) Purchases for resale.

(u) Accountant Services.

(v) Commodities or contractual services provided by an affiliate of or direct support organization of the University. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor.

(w) Direct owner purchases for construction or renovation projects. Purchases of materials, supplies, equipment, or services for instructional or sponsored 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.

(5) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids, invitation to negotiate and/or requests for proposals shall be excluded from competing for such procurements. No individual or firm who performs a feasibility study for potential implementation of a subsequent contract,
participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the University dealing with the same subject matter.

(6) Individuals taking part in the development of criteria for evaluation, the evaluation process or the award of the contract for any purchase shall be independent of and have no conflict of interest in the entities evaluated and awarded the contract. The University-USF system has the option to require the individuals to attest to such in writing.

(7) Items requested 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.

(7) Purchase of Products with Recycled Content. The USF system may establish a program to encourage the purchase and use of products and materials with recycled content and postconsumer recovered material.

(8) Purchases from Contractors Convicted of Public Entity Crimes. The USF system shall not accept a competitive solicitation from or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida’s convicted vendor list for a period of 36 months from the date of being added to the convicted vendor list.

Authority: Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors. Specific Authority 1001.74(4); 1010.04(2) F.S.; Law Implemented 1001.74(5); 1001.75(5) F.S.; History: New Effective Date -04 / 29 /2003, Amended __________.
(1) Solicitation Security. A certified, cashier's or treasurer's check, bank draft, bank official check or bid bond may be required as a condition for participating in a competitive solicitation.

Competitive Solicitation Bond/Security. The University is authorized to require a vendor to submit to the University, as a condition for participating in the solicitation, a bid bond, certified cashier's or treasurer's check, or bank draft with their responses to the solicitation when the University is reasonably uncertain about the vendor's ability to perform and to ensure that vendor will honor and secure any required payment and/or Performance Bond if awarded the bid.

(2) Payment and Performance Bonds. The University is authorized to require any contractor providing commodities, or commodities which include installation, to furnish a payment and performance bond with good and sufficient securities to the University prior to the issuance of the contract when the total value of the contract is greater than $200,000. The University has the option to require a payment and performance bond from contractors providing commodities, or commodities that need installation, when the total value is greater than $100,000. In either instance the reason for this requirement is under such conditions when the University is reasonably uncertain about the vendor's ability to perform and in particular, but not limited thereto, when installation of research, scientific, medical and other like equipment is required.

(a) Any contractor contracting with the USF system to provide commodities, services or commodities which include installation, may be required to furnish a payment and performance bond, with good and sufficient securities, to the USF system prior to the issuance of the contract.

(b) The bond or security must be in an amount equal to 100% of the response submitted to the competitive solicitation.

(3) Competitive Solicitation Protest Bond. Any entity contractor that filing is an action pursuant to Section 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a competitive solicitation shall, at the time of filing of the formal written protest, post with the USF system University, a bond payable to the USF system University in an amount equal to: 10% of the estimated value of the
protestor's bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the entity contractor filing the protest action. In lieu of a bond, the University may have the option to accept a cashier's check or money order in the amount of the bond. Failure of the protesting entity contractor to file the required bond, cashier's check, bank official check or money order at the time of filing the formal written protest shall result in the denial of the protest, constitute a waiver of proceedings under Chapter 120, F.S., and the University shall summarily dismiss the petition.

Authority: Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors. Specific Authority 1001.74(4); 1010.04(2) F.S.; Law Implemented 120.57(3)(b); 255.051; 255.0516; 1001.74(5) F.S.; Section 7(d), Article IX, Florida Constitution; History: New Effective Date -04/29/2003, Amended
(1) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement entered into by the University of South Florida Board of Trustees and signed by the USF system President or designee prior to the commodities being delivered or contractual services being rendered or in unusual circumstances, within thirty (30) days of the commodities being delivered or contractual services being rendered by the vendor.

(2) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties prior to the expiration date, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract permitted.

(3) A contract may be renewed. 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 subject to sufficient annual appropriations and a renewal shall be signed by both parties prior to the expiration of the initial contract.

(4) The USF system President or designee has the authority to enter into contracts with the Consolidated Equipment Financing Program.

(5) In order to promote cost-effective procurement of commodities, contractual services or licenses the University-USF system has the authority to enter into contracts that limit the liability of a vendor consistent with Section 672.719, Florida Statues.

(6) The total value of a contract is the value of the initial term plus the value of all renewal terms.

(7) Any contract entered into for a period in excess of one (1) fiscal year shall state: "include an express statement indicating that the University's USF system's performance and obligation to pay under this the contract is contingent upon an annual appropriation by the legislature of the State of Florida."

(8) All bilateral agreements for goods and/or services shall be written and:
(a) Specify a term and/or provide dates of services

(b) Provide payment terms, including rates and fees

(c) Indicate the University's USF system's ability to unilaterally cancel or terminate the contract

(d) Provide the ability to renew and set forth renewal terms, if any

(f) If travel is contemplated, reference the Travel statute in Chapter 112, Florida Statutes and USF system procedures.

(e) Provide units of deliverables, if any.

(g) Require contractor to submit invoices prior to receiving payment and in sufficient detail to allow for a proper pre-audit and post-audit to identify the purchase order number, products ordered, and expenses for which compensation is sought, as applicable.

(h) Provide that the University USF system does not require the USF system to indemnify the vendor or any person, party or entity

(i) Shall be approved for legality and form by the Office of the General Counsel.

(j) Shall contain the signature of the USF system President or designee and contractor.

(9) In lieu of a written bilateral agreement for services, the University-USF system has the option to issue a purchase order that includes the above items (a) – (h).

Authority: Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors. Specific Authority 1001.74(4); 1010.04(2) FS.; Law Implemented 1001.75(5) FS., History: New-Effective Date -04/29/2003, Amended __________.
USF system Regulation: USF4.02070-Standards of Conduct for Contracting for Commodities and Services

It is a breach of ethical standards for any employee of the University-USF system to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It is also a breach of ethical standards for any potential contractor to offer an employee of the University-USF system a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

Purchasing & Property Services administers and provides oversight for this USF system regulation.

(1) The term “motor vehicle” includes any automobile, truck, watercraft, construction vehicles, equipment, or other vehicle designed primarily for transporting people.

(2) The University USF system has authority to:

(a) Establish standard classes of motor vehicles to be leased, purchased or used by University USF system personnel.

(b) Obtain the most effective and efficient use of motor vehicles for University USF system purposes.

(c) Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University USF system-owned motor vehicles. Acquisition can be by purchase, lease, installment-purchase, loan or by any other legal means and can include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University USF system personnel and adequately meet the requirements of the University USF system.

(d) Contract for specialized maintenance services.

(3) Motor vehicles owned, leased or operated by the University USF system shall be used for official University USF system business only.

Authority: Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors Specific Authority 1001.74(4); 1010.04(2); F.S Law Implemented 1001.74(5). History New Effective Date -04 / 29 /2003., Formerly 6C4-4.01301, Amended__________.
Purchasing and Property Services shall provide notice of actions relating to competitive solicitations and exceptional purchases on behalf of the USF system as follows:

(1) Notification.

(a) Competitive Solicitation – Notice of any information relating to a competitive solicitation by advertising for bids or by distribution of solicitation documents.

(b) Contract Award - Notice of a decision or intended decision concerning a solicitation, contract award, or exceptional purchase by electronic posting. This notice shall contain the following statement:

“Failure to file a protest in accordance with USF system Regulation 4.02090 or failure to post the bond or other security as required in USF system Regulation 4.02090, shall constitute a waiver of protest proceedings.”

(2) Protest.

(a) Any qualified offeror who is adversely affected by the USF system’s decision may file a written notice of intent to protest within 72 hours after USF system posting of award or intent to award notice. The protesting firm must reduce its complaint to written petition and file it with the USF system President within ten (10) calendar days from registration of the original complaint. If the competitive solicitation documents require the posting of a bond with the protest, the bond shall be included with the protest.

(b) Failure to file a notice of protest or the written petition, including posting of the required protest bond, shall constitute a waiver of the right to protest proceedings.

(3) Upon receipt of the formal written petition filed in accordance with this regulation, the USF system President or designee shall delay the execution of the contract until the protest is resolved by mutual agreement between the parties or by final USF system Presidential action, unless the USF system President shall make a finding and declares that such delay would cause serious danger to the public health, safety or welfare.
Petitions involving disputed issues of material fact shall be referred for a quasi-judicial hearing. The USF system President shall designate an administrative law judge to conduct a hearing in accordance with USF system procedures. At the conclusion of the hearing, the administrative law judge shall submit a written recommended order to the USF system President. The USF system President shall then issue a preliminary order for final action and notify the firm of such order. The preliminary order of the USF system President shall be final, unless the firm under consideration takes exception to such order; in which event, it may file with the USF system President such exceptions within twenty-one (21) days of receipt of notice of the preliminary order. At the end of the period for filing exceptions, the USF system President will review the preliminary order and any exceptions that have been filed, and will render the final order. The decision of the USF system President is final. Appellate review of the final order shall be in accordance with the requirements of Rule 9.190(b) (3), Florida Rules of Appellate Procedure.

Authority: Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors. BOG

Regulation 18.002. History—New
Board of Governors Purchasing Regulations:

BOG 18.001: Purchasing Regulations
http://www.flbog.org/documents_regulations/regulations/N2.BOG%20Regulation%2018.001%20Purchasing%20Regulation.pdf

BOG 18.002: Notice and Protest Procedures

Bog 18.003: Bonding Requirements
http://www.flbog.org/documents_regulations/regulations/P2.BOG%20Regulation%2018.003%20Bonding%20Requirements.pdf
<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Action</th>
<th>Technical</th>
<th>Substantive</th>
<th>Brief Explanation</th>
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<tbody>
<tr>
<td>USF4.02000</td>
<td>Statement of Intent</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Update “University” to “USF system”</td>
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<tr>
<td>USF4.02010</td>
<td>Purchasing Definitions</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Minor revisions for clarification</td>
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<tr>
<td>USF4.02020</td>
<td>Role of Purchasing Services</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Update “University” to “USF system” Requires approval and signature of Sr. VP/CFO for all purchases, including leases, over $1,000,000.</td>
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<tr>
<td>USF4.02030</td>
<td>Competitive Solicitation Requirements</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Sec. (1) amended to require purchase of commodities or contractual services exceeding $75,000 shall be awarded by competitive solicitation (bid). New BOG REG 18.001(2) authorizes this threshold amount. Substantive provisions moved to REG from USF Policy 5-003.</td>
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<tr>
<td>USF4.02040</td>
<td>Purchase of Commodities or Contractual Svs</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Revisions made to be consistent with new BOG REG 18.001. SUS Purchasing Directors coordinated these uniform revisions with BOG staff. Substantive provisions moved to REG from USF Policy 5-005.</td>
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<tr>
<td>USF4.02050</td>
<td>Competitive Solicitation Bond Requirements</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Revisions made to be consistent with new BOG REG 18.003. SUS Purchasing Directors coordinated these uniform revisions with BOG staff. Substantive provisions moved to REG from USF Policy 5-003.</td>
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<tr>
<td>USF4.02060</td>
<td>Contracts</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Updated “University” to “USF system” and clarified provisions. Minor language clean up and updating.</td>
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<tr>
<td>USF4.02070</td>
<td>Standards of Conduct for Contracting for Commodities and Services</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Updated “University” to “USF system.”</td>
</tr>
<tr>
<td>USF4.02080</td>
<td>Purchase of Motor Vehicles</td>
<td>Amend</td>
<td>X</td>
<td></td>
<td>Updated “University” to “USF system.” Minor language clean up and updating.</td>
</tr>
<tr>
<td>USF4.02090</td>
<td>Notice of a Decision and Protest Procedures</td>
<td>New</td>
<td>X</td>
<td>New USF Regulation complies with new BOG REG 18.002. SUS Purchasing Directors coordinated these uniform revisions with BOG staff. Purchasing and legal staff have developed procedures to implement.</td>
<td></td>
</tr>
</tbody>
</table>