

# **Agenda**

**Conference call  
University of West Florida Board of Trustees  
8:30 a.m., January 6, 2003  
Pensacola, Florida**

**Chair's greetings**

**President's greetings**

**Approval of minutes from November 22, 2002 Board of Trustees meeting**

**Action items**

1. Emergency rule for tuition, fees, fines and penalties
2. Purchasing rule
3. Delegation to university's counsel for rulemaking procedures
4. Delegation to university president/vice presidents to conduct rulemaking hearings
5. Enterprise Planning Resource System
6. UWF employee issues

**Other business**

**Adjournment**

**UWF Board of Trustees  
January 6, 2003**

**Issue:** Emergency rule for tuition, fees, fines and penalties

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**Proposed action:** (1) Approve the promulgation of an Emergency Rule to establish tuition rates, fees, fines and penalties. (2) Approve the permanent rules regarding the same. Initial approval

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**Background information:**

Florida Statutes section 120.54(3)(a) requires that the agency head approve the adoption, amendment or repeal of any rules prior to the agency giving notice of the intended action.

Proposed rules are to reflect the Board of Trustees authority in establishing tuition, fees, fines and penalties; providing rules related to the waiver, payment or deferment of tuition and fees; and indicating the amount of tuition, fees, fines and penalties at the university.

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**Supporting documentation:** Rule on tuition, fees, fines and penalties

**Prepared by:** Gina Delulio, university counsel  
Dr. Pete Metarko, associate vice president for Enrollment Services  
Jan Woody, controller

**Emergency Rule: 6C6-ER03-01 “Spring and Summer 2003 Tuition Rates, Fees, Fines, and Penalties”**

Pursuant to Florida Statutes section 229-0081, effective July 1, 2002, and Florida Statute 1009 section 24, effective January 7, 2003, within proviso in the General Appropriations Act and law, the University Board of Trustees shall set University tuition, fees, fines, and penalties. The Legislature has established mandatory and permissive matriculation and out-of-state fee increases for the 2002-03 fiscal year.

Notwithstanding other University rules, the proposed emergency rule establishes the University’s tuition rates, fees, fines and penalties. The matriculation fee for undergraduate students is set at the fee established by the Legislature for the 2002-03 fiscal year.

6C6-ER03-01 Spring and Summer Tuition Rates, Fees, Fines, and Penalties

For Spring and Summer 2003, the tuition for in-state students and tuition plus out-of-state fee for non-resident students at the University shall be as follows:

Undergraduate

Undergraduate Resident Cost per Student Credit Hour (SCH)	\$ 58.45
Undergraduate Alabama Differential Cost per SCH	\$ 15.00
Undergraduate Non-Resident Cost per SCH	\$333.90

Graduate

Graduate Resident Cost per SCH	\$140.64
Graduate Non-Resident Cost per SCH	\$567.19

Tuition and fees for each student shall be the total amount provided above, plus the applicable mandatory fees below and any optional fees charged by the University:

Mandatory Fees

Student Financial Aid Fee	
In-state per SCH	\$ 2.78
Non-resident Undergraduate	\$ 15.29
Non-resident Graduate	\$ 26.06
Capital Improvement Trust Fund Fee per SCH	\$ 2.44
Building Fee per SCH	\$ 2.32
Health Fee per SCH	\$ 3.00
Athletic Fee per SCH	\$ 11.10
Activity and Service Fee per SCH	\$ 7.85
Third Time Repeat per SCH	\$235.87 and
Transportation Fee per SCH	\$ 1.00

<b>Optional Fees</b>	
Non-Refundable Application Fee	\$ 20.00
Orientation Fee	\$ 35.00
Identification Card (Nautilus Card)	
New Card-Initial Cost	\$ 10.00
Replacement Card	\$ 10.00
Fee for Transcripts	\$ 5.00
Fee for Diploma Replacement	\$ 5.00
Registration Fee for a Zero-Hours Course	
Undergraduate	\$ 87.94
Graduate	\$174.03
Returned Check Fee for Unpaid Checks (NSF)	
\$ 0.00 - \$50.00	\$ 25.00
\$50.01 - \$300.00	\$ 30.00
\$300.01 and up	greater of 5% or \$ 40.00
Late Payment Fee	\$ 50.00
Late Registration or Reinstatement Fee	\$ 50.00
Fee for Collection of Overdue Accounts	
Late Charge	6.00%
Collection Charge	4.00%
Collection Agency	25.00%
Service Charge for Payment of Tuition in Installments (\$15.00 beginning Fall 2003)	\$ 0.00
Fingerprinting	cost
Intern Photo (including Sales Tax)	\$ 5.00
CEU certificates	\$ 3.00
Testing	cost
Materials and Supplies Fee	varies
Parking Permits	
Annual	\$ 20.00
Semester	\$ 12.00
Continuing Education	varies
<b><u>Fines and Penalties</u></b>	
Library	varies
Traffic	varies

Specific Authority 1001.74(4),(11) FS. Law implemented 2002-03 General Appropriations Act, HB 27E; 1001.74(35),1009.24, 1009.285, 1009.29 FS History: New—Adopted 01-06-03; Effective Date 01-07-03.

## UWF Board of Trustees January 6, 2003

**Issue:** Purchasing rule

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**Proposed action:** Repeal old rule and adopt new purchasing rule to replace rules in Chapter 6C6-6.005. Initial approval of rules to be promulgated through the regular rulemaking process.

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**Background information:**

Florida Statutes section 120.54(3)(a) requires that the agency head approve the adoption, amendment or repeal of any rules prior to the agency giving notice of the intended action.

Proposed rules are to revise 6C6-6.005 to reflect changes to current rules and to create new rules to reflect the Board of Trustees authority in establishing the university's purchasing program.

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**Supporting documentation:** Rules

**Prepared by:** Gina DeLulio, university counsel  
David O'Brien, director, Purchasing

## 6C6-6.005 University of West Florida Purchasing Rules

### A. Purchasing Standards.

#### 1. Statement of Intent.

In order to meet the University's mission, it is the intent of ~~the U~~Purchasing Services to acquire quality goods and services within reasonable or required time frames, 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. The opportunity to bid on University contracts is a privilege, not a right.

Specific Authority 1001.74(4); 1010.04(1),(2) F.S.; Law Implemented 1001.74(5) F.S.; History, New – Adopted January 6, 2003, Effective Date January 7, 2003.

#### 2. Standard of Conduct.

Employees shall give first consideration to the objectives and policies of the University, adhere to all legal and regulatory requirements, and strive to avoid the appearance of unethical or compromising practice in relationships, actions, and communications. Procurement activities shall be conducted in a professional, fair, and impartial manner granting equal consideration to all competitive suppliers.

It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. Further, no employee shall either directly or indirectly purchase, rent,

or lease any realty, goods, or services for the University from any business entity in which the employee or the employee's spouse or child has a material interest.

Specific Authority 1001.74(4); 1010.04(1), (2) F.S.; Law Implemented 112.3148; 1001.74(5)

F.S.; History, Adopted January 6, 2003, Effective Date January 7, 2003

## **B. Definitions.**

1. 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.
2. Bid/Proposal Response – The response submitted to an Invitation to Bid, Invitation to Negotiate, or a Request for Proposal by responsive and qualified bidders or respondents.
3. 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 of publications shall be considered a “commodity” when let upon contract in accordance with Section 283.33, F.S. Software to be used pursuant to license agreements shall be considered a “commodity.”
4. Contractor/Vendor – A person or firm who contracts to sell commodities, contractual or construction services to the University.
5. Contractual Service – An activity which consists primarily of the performance by an independent contractor of its time and effort rather than the furnishing of specific commodities.

“Contractual service” does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities.

6. Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with the University, except as provided in s. 112.313, F.S.
7. Invitation to Bid – A published solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services specified, for which bids are sought.
8. Invitation to Negotiate – A formal invitation extended to prospective contractors by the University in order to obtain the best value for the required goods or services.
9. Minority Business Enterprise – A business concern as defined in s. 288.703(2), F.S.
10. Negotiation – The establishment of a contract through deliberation, discussion and agreement.
11. President – The chief executive officer of the University.
12. 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.
13. Purchase – An acquisition of commodities or services obtained by any legal manner.
14. Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.
15. Qualified Respondent – An individual or firm determined by the University to meet the standards of competence, reputation, financial ability and product or service quality.



16. Request for Proposal – A published solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when considered in the best interest of the University.

17. Responsible Bidder or Respondent – Bidder or Respondent who has the capability in all respects to perform in full the contract requirements.

18. Responsive Bidder or Respondent – Person or firm who submitted a bid or proposal that conforms in all aspects to solicitation.

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

Specific Authority 1001.74(4); 1010.04(1),(2) F.S.; Law Implemented 1001.74(5) F.S.; History, New - Adopted January 6, 2003, Effective Date January 7, 2003.

### **C. Authorities and Responsibilities of Board and University Purchasing Department.**

1. The University Board of Trustees has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University.

2. The Purchasing Department is responsible for:

a. Obtaining and providing commodities and services for the University, through any legal manner and business instrument.

b. Denying any contractor from the University's future business that failed to perform any of its duties specified in a contract with the University. The Purchasing Department shall also have the authority to reinstate any such contractor when satisfied that further instances of default will not occur.

- c. Evaluating and approving for University use, contracts let by other governmental entities, political subdivisions, educational entities, cooperatives, and consortiums when it is determined to be in the best interest of the University.
- d. Purchasing shall refer to the President any written notice of intent to protest. In accordance with F. S. 120.57 (3)( c), the President may elect to proceed with a bid solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University.
- e. Awarding contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University.
- f. Rejecting or canceling any or all competitive solicitations.
  - g. 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.
  - h. Items 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.

Specific Authority 1001.74(4); 1010.04(1), (2) F.S.; Law Implemented 1001.74(5), 1001.75(5); 1001.75(5) F.S.; History, Adopted January 6, 2003, Effective Date January 7, 2003.

#### **D. Competitive Solicitation Requirements.**

1. All contracts for the purchase of commodities or contractual services exceeding \$50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized herein.

2. When only one response is received to a competitive solicitation for commodities or contractual services exceeding \$50,000, the University will review the solicitation response and circumstances surrounding the solicitation 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 be in the best interest of the University, the University will 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 to responses in the following order of precedence:

- a. commodities manufactured in the state
- b. Florida businesses
- c. Businesses with a drug-free workplace program
- d. Foreign manufacturers located in the state

If these conditions do not exist or are the equivalent between two or more responses, the award will be based on the toss of a coin.

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

5. The intended award shall be publicly posted in accordance with Florida Statute 120.57(3) by the Purchasing Department for 72 hours prior to award which is interpreted as three working days excepting Saturdays, Sundays, or State holidays. Any person who is adversely affected by the University's decision or intended decision shall file with the Director of Purchasing within the 72 hours a written notice of protest stating with particularity the facts and law upon which the protest is based.

6. Advertisement. The University shall advertise solicitations at its discretion and in accordance with Florida statutes regarding construction solicitations.

7. Bid/proposal responses shall remain confidential until notice of final contract award or ten (10) days after the bid or proposal due date, whichever is earlier.
8. As a general rule, in the case of extension errors, the unit price will prevail. However, the University reserves the right to disqualify bid responses for lack of clarity.
9. Modifications to bid or proposal response. A bidder or respondent may amend its bid or proposal, including revocation, in writing up until the due date and time of responses.
10. Withdrawal of bid or proposal response. A bidder or respondent may revoke its bid or proposal in writing up until the due date and time of responses.

Specific Authority 1001.74(4); 1010.04(1), (2) F.S.; Law Implemented 1001.74(5); 1010.04(4); 1016.04(4) F.S.; History, Adopted January 6, 2003, Effective Date January 7, 2003.

**E. Purchasing 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 over the competitive bid threshold will be publicly posted in accordance with F.S. 120.57(3)(c).
3. Commodities and services covered by contracts established by entities as described in Section C.2.c.above.
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.

The Purchasing Department will establish appropriate direct purchase procedures.

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.
  - 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.
- 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, Florida Statutes. The University has the option to require the individuals to attest to such in writing.

*Specific Authority 1001.74(4); 1010.04(1), (2) F.S.; Law Implemented 1001.74(5); 1001.75(5) F.S.; History, Adopted January 6, 2003, Effective Date January 7, 2003.*

**F. Minority Business Commitment.**

Purchases from Minority Business Enterprises. The University is committed to providing competitive business opportunities to state certified minority and woman-owned businesses. This commitment includes establishment of a formal minority business program to lead efforts to identify certified, or potentially certifiable, MBEs and to encourage and assist MBEs in doing business with the University and its general or prime contractors and in responding to competitive solicitations.

**G. Bond Requirements.**

1. Solicitation Bonds (a.k.a. bid bonds). The University is authorized to require a certified, cashier's or treasurer's check, bank draft or bid bond as a condition for participating in a competitive solicitation.
2. Payment and Performance Bonds. The University is authorized to require any contractor/vendor to furnish payment and performance bonds, with good and sufficient securities, to the University prior to the issuance of the contract at the sole discretion of the University. The Purchasing Department is responsible for establishing appropriate procedures.
3. Solicitation Protest Bond. Any contractor that files an action pursuant to s. 120.57(3)(b), F.S, protesting a decision or intended decision pertaining to a solicitation, shall post with the University at the time of filing of the formal protest, a bond payable to the University of West Florida Board of Trustees in an amount equal to:
  - a. Commodities or Contractual Services – Ten percent of the estimated value of the protestor's bid or proposal or ten thousand dollars (\$10,000), whichever is less;
  - b. Construction –
    - (1) Twenty-five thousand dollars (\$25,000) or two percent of the lowest accepted bid, whichever is greater, for contracts valued over \$500,000; or

- (2) Five percent of the lowest accepted bid for all other contracts.

The bond shall be conditioned upon the payment of all costs, which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier's check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier's check or money order at the time of filing the formal protest shall result in the denial of the protest.

Specific Authority 1001.74(4); 1010.04(1), (2) F.S.; Law Implemented 120.57(3)(b); 255.051; 255.0516; 1001.74(5) F.S.; History, New Adopted January 6, 2003, Effective Date January 7, 2003.

#### **H. Contracts.**

1. Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the University officials designated by Presidential authority prior to 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's and University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."
3. Extension of a contract without an expressed renewal option shall be in writing, shall be signed by both parties, and shall be subject to the approval of the Director of Purchasing and shall be subject to the same terms and conditions set forth in the initial contract. The Purchasing Department shall establish procedures for contract extensions.
4. A contract may contain provisions for renewal. The total value of the contract shall be the sum of the purchase price for the initial term plus all renewal costs. 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.

5. The University may enter into deferred payment agreements utilizing the State of Florida Controller's Consolidated Equipment Financing Program or other financing program when deemed in the best interest of the University.

6. In order to promote cost-effective procurement of commodities, contractual services or licenses the University has the authority to enter into contracts that limit the liability of a vendor consistent with Section 672.719, F.S.

7. All bilateral agreements for services shall be written and:

(a) provide dates of services;

(b) provide payment terms;

(c) indicate the University's ability to unilaterally cancel the contract;

(d) provide renewal terms, if any;

(f) reference the Travel statute in Chapter 112, Florida Statutes, if applicable;

(e) provide units of deliverables;

(g) require contractor to submit invoices in sufficient detail to allow for a proper pre-audit and post-audit;

(h) provide that the University does not indemnify any person, party or entity;

(i) contain the signature of the President or designee and contractor.

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

Specific Authority 1001.74(4); 1010.04(1), (2) F.S.; Law Implemented 1001.75(5) F.S. History,

New - Adopted January 6, 2003, Effective Date January 7, 2003.

### **I. Purchase of Motor Vehicles.**

The University has the authority to acquire motor vehicles by purchase, lease, installment purchase, rent, or by any other legal means, which may include trade-in of current University-owned vehicles.

Specific Authority 1001.74(4); 1010.04(1), (2); F.S Law Implemented 1001.74(5), History, New - Adopted January 6, 2003, Effective Date January 7, 2003.

**Agenda item: 3**

## **UWF Board of Trustees January 6, 2003**

**Issue:** Delegation to university's counsel for rulemaking procedures

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**Proposed action:** Authorize the university's counsel to sign certifications that must be filed with rules being added, amended or repealed by the Board of Trustees.

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### **Background information:**

As part of the state rulemaking process, an authorized individual must certify that certain procedures were followed.

Florida Statute §120.54(3)(e)3. provides that when filing a rule for final adoption:

At the time a rule is filed, the agency shall certify that the time limitations prescribed by this paragraph have been complied with, that all statutory rulemaking requirements have been met, and that there is no administrative determination pending on the rule.

In the past, the general counsel for the university was designated by the university president as the person to sign such certifications, as the Office of the General Counsel oversees the promulgation of rules and rule changes. The Board of Trustees may delegate to the university's counsel the authority to sign such certifications.

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**Supporting documentation:** Examples of certifications that would be required.

**Prepared by:** Gina Delulio, university counsel



**CERTIFICATION OF UNIVERSITY OF WEST FLORIDA  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE**

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).  
6C6-\_\_\_\_\_

Under the provision of subparagraph 120.54(3)(e)6, F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

\_\_\_\_\_  
Signature, Person Authorized to  
Certify Rules

\_\_\_\_\_  
Title

\_\_\_\_\_  
Number of Pages Certified

**CERTIFICATION OF UNIVERSITY OF WEST FLORIDA  
MATERIALS INCORPORATED BY REFERENCE IN  
RULES FILED WITH THE DEPARTMENT OF STATE**

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule 6C6-     (number)    . Under the provisions of subparagraph 120.54(3)(e)6., F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

(List form number(s) and form title(s), or title of document(s))

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

\_\_\_\_\_  
Signature, Person Authorized  
to Certify Rules

\_\_\_\_\_  
Title

CERTIFICATION OF UNIVERSITY OF WEST FLORIDA  
EMERGENCY RULES FILED WITH THE  
DEPARTMENT OF STATE

I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with subsection 120.54(4), Florida Statutes. The adoption of this rule was authorized by the head of the agency and this rule is hereby adopted upon its filing with the Department of State.

Rule No(s)  
(List in Columns)

Under the provision of paragraph 120.54(4)(d), F.S., this rule takes effect upon filing unless a later time and date less than 20 days from filing, is set out below:

Effective: \_\_\_\_\_  
                  (month)      (day) (year)

\_\_\_\_\_  
Signature, Person Authorized to  
Certify Rules

\_\_\_\_\_  
Title

\_\_\_\_\_  
Number of Pages Certified

## UWF Board of Trustees January 6, 2003

**Issue:** Delegation to university president/vice presidents to conduct rulemaking hearings

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**Proposed action:** Authorize the university president or the university vice president who is responsible for the area governed by the specific rule to conduct hearings related to rulemaking, as necessary under the Administrative Procedures Act.

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**Background information:**

Florida Statute §120.52(3) defines "agency head" as the person or collegial body in a department or other governmental unit statutorily responsible for final agency action, and

Florida Statute §120.54(3)(c) provides that the agency shall, upon timely request, give affected persons the opportunity to present evidence and argument on all issues under consideration (adopting, amending or repealing) concerning a rule in a public hearing.

F.A.C. Rule 28-103.004 (the Uniform Rule on Rulemaking) provides, "The agency head, any member thereof, or any person designated by the agency head may preside at the public hearing."

Prior to the creation of the University of West Florida Board of Trustees, the university president /designee would have presided over such hearings.

To facilitate the timely processing of the rules and rule changes, the Board may authorize the president or the appropriate vice president to preside over such hearings.

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**Supporting documentation:** None

**Prepared by:** Gina Delulio, university counsel

## UWF Board of Trustees January 6, 2003

**Issue:** Enterprise Resource Planning System

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**Proposed action:** Approve UWF transition plan from SAMAS/FLAIR

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**Background information:**

Due to the changes in higher education governance in Florida that resulted in UWF's new status as a public corporation, the university will be required to manage its finances and payroll directly, rather than having its funds maintained in the state treasury. As part of this transition, UWF is required to obtain and implement its own information processing systems to perform these essential financial operations and processes.

Florida Statutes, section 1011.4105, require state universities to submit by March 3, 2003, a transition plan to the State Board of Education for approval. This plan must be developed in cooperation with the state comptroller, who requires submission of UWF's proposed transition plan by January 2, 2003. In order to meet this deadline, UWF has submitted an initial transition plan, which is a draft, pending approval of the UWF Board of Trustees.

A study team, called the UWF ERP Project Vision Team, was created to study the issue. It recommends acquisition and implementation of the SCT Banner enterprise resource planning system. Initial acquisition and implementation of the system will cost \$5.7 million during the three-year project. Operational costs will average \$1.2 million per year, bringing the total cost of the system to \$10.4 million during the first five years.

Live processing of the 2004-05 fiscal year would begin July 1, 2004. Live payroll processing would be effective January 2, 2005.

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**Supporting documentation:** UWF preliminary transition and implementation plan  
Proposed ERP Project Budget and Financing Plan

**Prepared by:** Dr. Cornelius Wooten, vice president for Administrative Affairs  
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# University of West Florida

## Financial Management System Transition and Implementation Plan (Preliminary)

December 20, 2002

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Note: Approval of this plan by the University of West Florida Board of Trustees is pending. This plan will be presented to the Board for approval at their January 6, 2003 meeting.

### **Executive Summary**

The University of West Florida (UWF) intends to discontinue use of the Florida Accounting Resource (FLAIR) system on July 1, 2004. Furthermore, UWF plans to assume the payroll functions for its employees, currently provided by the Florida Bureau of State Payroll, on January 1, 2005.

UWF seeks approval from the Florida State Comptroller and the Florida Department of Education for its plan to transition services to new accounting and human resources information systems.

UWF is negotiating purchase contracts with Systems and Computer Technology Corporation (SCT) for their Banner Finance and Human Resource systems, which are part of an integrated enterprise resource planning (ERP) system solution. UWF intends to purchase these systems in January 2003, as well as to contract with SCT for consulting, project management, software implementation, and training services. Together, UWF and SCT will develop a detailed plan for transition from FLAIR to the SCT Banner system, and the integration of Banner with other university systems. Detailed project planning will begin in January 2003 and should be completed by April 2003, resulting in the construction of a detailed Project Definition Document and schedule for implementation. Funding for the project has been identified.

Plans for testing and certification of the new systems are being developed in cooperation with the State University System (SUS) Transition Task Force and UWF's Associate Vice President for Internal Auditing and Management Consulting (formerly Inspector General). UWF is also actively working with other SUS universities who are also transitioning financial and human resource processing to the SCT Banner system; these universities include Florida Atlantic University, Florida Gulf Coast University, New College of Florida, and the University of North Florida. UWF will operate its SCT Banner system at the Central Florida Regional Data Center, which also operates SCT Banner systems for the University of South Florida, Florida Gulf Coast University, New College of Florida, and the University of North Florida.

### **Authorization**

On May 16, 2002, Florida Senate Bill 20E was signed into law, extensively restructuring the Florida School Code and establishing the process by which each state university must move off the FLAIR financial system (Florida Statutes section 1011.4105). Provisions of this law mandate that universities must

discontinue use of FLAIR by July 1, 2004 for financial functions, and January 1, 2005 for payroll functions.

The new statute requires that UWF must obtain Florida Board of Education (FBOE) approval for its detailed plan to transition from FLAIR to its own financial management system. This transition plan must be developed in cooperation with the State Comptroller. Per instructions from Carl Blackwell of the FBOE Division of Colleges and Universities – sent to university presidents on September 16, 2002 – each university must submit its transition plan to the State Comptroller by January 2, 2003, and subsequently submit the plan with the State Comptroller's approval to the FBOE by March 3, 2003. For universities planning to transition on July 1, 2003, these plans must represent a detailed timeline plan. For universities planning to transition on July 1, 2004, these plans may be less detailed.

This document represents UWF's transition plan. *As UWF plans to transition on July 1, 2004, it is a preliminary plan, and will be supplemented with a detailed timeline plan to be developed by April 2003.*

### **System Selection**

UWF began planning for these changes in early 2002 by joining a consortium of SUS universities who were jointly investigating and negotiating with several providers of accounting and human resources software systems. This consortium consisted of the University of Florida, Florida State University, the University of North Florida, and the University of West Florida. Ultimately, the University of Florida and Florida State University selected the PeopleSoft system. The University of North Florida and UWF, following the trend of smaller Florida universities, selected the SCT Banner system as their optimal solution for FLAIR replacement. All four universities have negotiated with vendors, made selections, and constructed purchase and implementation contracts under the terms of the common invitation to negotiate originally issued by the consortium.<sup>1</sup> UWF intends to finalize and execute purchase and implementation contracts with SCT in January 2003.

UWF also intends to contract with the Central Florida Regional Data Center (CFRDC) to provide server system hosting and support services for UWF's SCT Banner system. CFRDC already hosts Banner systems for three other Florida SUS universities, and will also be the hosting solution for the University of North Florida. Thus, with the exception of Florida Atlantic University, all SUS universities planning to migrate to Banner have chosen CFRDC as a common system hosting solution, allowing us to share resources, expertise, and experience.

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<sup>1</sup> Subsequently, Florida A&M University also joined the consortium and negotiated for PeopleSoft purchase and implementation with FSU and UF.

## Transition Plan

UWF's financial management system transition plan is comprised of these major elements:

1. Acquire and implement the SCT Banner Finance and Human Resource system modules as the solution for replacement of FLAIR and Bureau of State Payrolls processing.
2. Use implementation services from SCT, involving their "SureFire" implementation plan in a fixed-cost approach, to implement the system.
3. Host back-end system servers at the Central Florida Regional Data Center, and front-end servers locally at UWF.
4. Develop jointly with SCT and CFRDC a detailed Project Definition Document to structure the transition effort and provide the basis for project management.
5. Begin live processing of the 2004-2005 fiscal year (beginning July 1, 2004) in SCT Banner, following appropriate parallel testing and certification of the new system.
6. Begin live payroll processing effective January 1, 2005 in SCT Banner, following appropriate parallel testing and certification of the new system.
7. Work closely with the State Comptroller and the Inter-Institutional Committee on Finance and Accounting's (ICOFA) Transition Task Force to insure that UWF's system will adhere to compatibility and reporting requirements, as defined by the Florida Department of Banking and Finance.
8. Implement the SCT Banner Finance and Human Resources/Payroll systems in a fashion that ensures services and functions currently provided by the FLAIR system and the Bureau of State Payroll are not interrupted.

The SCT Banner systems being implemented by UWF include modules to support the following areas of Finance and Human Resources/Payroll processing:

### Finance

- General Ledger
- Purchasing and Receiving
- Accounts Receivable
- Accounts Payable
- Cost Accounting
- Budget Development and Position Control
- Fixed Assets Management
- Contracts and Grants Management (Research

### Human Resources/Payroll

- Applicant Tracking
- Position Management
- Personnel Services Budgeting
- Employment Administration
- Compensation Administration
- Employee Relations Administration
- Time and Attendance Reporting
- Payroll Calculation

- Accounting)
- Stores Inventory
- Endowment Management
- Workflow Processing
- Payroll Adjustments and History
- Benefits Administration
- Health and Safety Administration
- Employee Self-Service
- Workflow Processing

UWF's current transition plan consists of two overlapping efforts, with the Banner Finance system being implemented and tested between January 2003 and July 2004, and the Banner Human Resources system being implemented and tested between July 2003 and January 2005. The plan will be fully developed in early 2003 and recorded in the detailed Project Definition Document. A preliminary schedule has been outlined with SCT; major milestones are represented below.

Common Sequence			
Initiate Project		January 13, 2003	
Project Definition Complete		January 31, 2003	
Banner Training System Installed		February 7, 2003	
Finance System		Human Resources/Payroll System	
System Configuration Starts	April 1, 2003	System Configuration Starts	Feb 1, 2004
Training Starts	July 1, 2003	Training Starts	June 1, 2004
Testing/Certification Starts	Jan 2, 2004	Testing/Certification Starts	Aug 1, 2004
Go-Live	July 1, 2004	Go-Live	Jan 1, 2005

UWF's SCT Banner implementation project also includes the following elements in its scope:

- Business process review, analysis, and improvement.
- Conversion of paper-based processes to automated workflow.
- Data conversion from legacy systems to the new Banner system.
- Construction of data interfaces between Banner and other UWF systems, particularly student information and financial aid processing systems.
- Construction of reports pursuant to the requirements of Florida Statutes 1011.90(4), including but not limited to operating budgets, expenditure analysis, salary category detail, and GASB 34/35 compliant financial statements.
- Testing and certification of new automated processes and associated manual procedures.
- Policy development as needed.

### **Testing and Certification Plan**

Testing of the SCT Banner system modules will occur as each module is configured and implemented, and will be designed and performed in collaboration with SCT consultants. The project plan will include extensive testing to ensure proper configuration and correct function of all key business processes. When feasible, Banner system modules will be tested in parallel with the FLAIR and BOSP systems. This testing will be performed in conformance with checklists and guidelines developed by the SUS Transition Task Force.

The University Associate Vice President for Internal Audit and Management Consulting (formerly Inspector General) shall certify that appropriate audit and internal controls are or will be in place to enable the university to satisfactorily and timely perform all accounting and reporting functions required by federal and state law, and by the rules of the Florida State Board of Education.

### **Acquisition and Implementation Funding**

The five year budget for implementation and operation of the SCT Banner system totals \$10.4 million. A summarized breakdown of costs per fiscal year is shown in the following table:

Component	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	5-Year Total
Software Licensing	800,800	197,200	-	-	-	998,000
Software Maintenance	86,320	235,846	255,070	276,471	300,339	1,154,046
Implementation Services	606,894	1,298,338	1,192,788	508,894	-	3,606,915
System Hosting	191,100	208,100	308,100	326,000	339,125	1,372,425
Personnel	146,987	390,064	532,976	352,452	352,452	1,774,930
Other	116,430	563,083	524,223	287,937	91,632	1,583,304
<b>Total Budget:</b>	<b>1,948,531</b>	<b>2,892,631</b>	<b>2,813,157</b>	<b>1,751,754</b>	<b>1,083,548</b>	<b>10,489,621</b>

Funding for the software, implementation, support, and operation costs of the new system is obtained from state funds.

### **Coordination with State Agencies**

UWF is participating with the State University System Transition Task Force to ensure that there will be a smooth transition of services from the FLAIR and BOSP systems to SCT Banner. The many teams of the Transition Task Force include representatives of the universities, the State Comptroller's Office, the State Treasurer, and the Division of Colleges and Universities. These teams meet regularly to discuss both procedural and technical aspects of the devolution, and document needed practices in detailed guidelines.

As universities will transition to new finance systems on a fiscal year boundary, but will continue to process payroll through Bureau of State Payroll until the start of following calendar year, supplemental procedures and additional coordination are required during this cutover phase. For UWF, that time period will be July through December, 2004.

### **Coordination with Other Universities and Community Colleges**

UWF will cooperate with other SUS universities utilizing the SCT Banner system to employ common solutions to transition issues, data conversion, and reporting and interfacing requirements. UWF, along with most other SUS universities running Banner, will utilize the CFRDC facility and services for a common system hosting solution for Banner.

### **Submission of Detailed Transition Plan**

As indicated previously, UWF does not plan to transition from FLAIR until July 1, 2004, and will not have its detailed Project Definition Document in place until the second quarter of 2003. This current document is therefore a generalized overview plan. UWF's detailed plan will be structured to conform with the elements of the then-current version of the *SUS Transition Plan Checklist*.<sup>2</sup> We expect in our transition planning for the July 1, 2004 transition to be able to benefit from the experience of those universities who are transitioning from FLAIR on July 1, 2003.

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<sup>2</sup> Current version of the *Checklist* as of this writing is November 21, 2002.

**The University Of West Florida  
ERP Project  
Proposed Financial Plan as of December 20, 2002**

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	Total
<b>Sources of Funds</b>											
Recurring Divisional Assessments		\$1,000,000	\$500,000								1,500,000
Non Recurring Divisional Assessments (1)		314,395	680,602	200,000							1,194,997
Recurring Funds			1,000,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	11,500,000
Non Recurring (Administrative Charge 3.71%)											
Auxiliary Trust Fund	19,000	19,000	19,000	19,000	19,000	19,000					114,000
Sponsored Reseach (based on 2002-2003 collections)	118,555	118,555	118,555	118,555	118,555	118,555					711,330
Student Activity	20,000	30,000	50,000	50,000	50,000	50,000					250,000
Intercollegiate Athletic Fund		10,681	45,000	45,000	45,000	45,000					190,681
Financing Required (Internal Borrowing / Line of Credit)	1,125,976	1,000,000	300,000								2,425,976
Non Recurring Carry Forward (2)	175,000	175,000	175,000	175,000							700,000
Auxiliary Interest Earnings	490,000	225,000	225,000	225,000	225,000	225,000					1,615,000
<b>Total</b>	<b>\$1,948,531</b>	<b>\$2,892,631</b>	<b>\$3,113,157</b>	<b>\$2,332,555</b>	<b>\$1,957,555</b>	<b>\$1,957,555</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>	<b>20,201,984</b>
<b>Uses of Funds</b>											
Software Licensing	\$862,267	\$246,373	\$18,436	\$19,173	\$19,940	20,738	21,568	22,430	23,327	24,261	1,278,513
Software Maintenance	86,320	235,846	255,070	276,471	300,339	327,009	356,862	390,335	427,928	470,212	3,126,392
Implementation Services	606,894	1,298,338	1,192,788	508,894							3,606,914
System Hosting	191,100	208,100	308,100	326,000	339,125	352,906	373,587	388,780	404,734	428,627	3,321,059
Personnel	146,987	390,064	532,976	352,452	352,452	352,452	352,452	352,452	352,452	352,452	3,537,191
Other (NWRDC)		40,000	40,000	(20,000)	(25,000)	(30,000)	(30,000)	(30,000)	(30,000)	(30,000)	(115,000)
Project Contingency	54,963	473,910	465,787	288,764	96,692	100,237	105,290	110,157	115,511	122,129	1,933,440
Finance Repayment			300,000	580,801	574,007	651,168	320,000				2,425,976
<b>Total</b>	<b>\$1,948,531</b>	<b>\$2,892,631</b>	<b>\$3,113,157</b>	<b>\$2,332,555</b>	<b>\$1,657,555</b>	<b>1,774,510</b>	<b>1,499,759</b>	<b>1,234,154</b>	<b>1,293,952</b>	<b>1,367,681</b>	<b>19,114,485</b>
Recurring Reserve for Student System (ERP)					\$300,000	183,045	241	265,846	206,048	132,319	1,087,499

Note:

(1) The university operating budget will be assessed. This assessment will be made before budget allocations are made to the respective divisions.

(2) \$175,000 is prorated based on the percent of the division's budget to the total operating budget. These amount will be re-calculated each fiscal yr

President	6,351
ITS	10,357
Advancement	4,433
Administrative Affairs	14,946
PO&M	16,143
Student Affairs	5,183
Academic Affairs	117,587
Total	175,000



## UWF Board of Trustees January 6, 2003

**Issue:** UWF employee issues

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**Proposed action:** Authorize Executive Committee to respond on behalf of the Board

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**Background information:**

On January 7, 2003, the University of West Florida Board of Trustees, by statute, becomes the employer for UWF employees. As we transition into that new arrangement, there might be occasion when the Board of Trustees is required to respond to issues, both large and small, sometimes with a very short response time.

Authorization of the Executive Committee to respond, when appropriate and required, would enable the Board of Trustees to respond in a timely manner. Any such actions should be reported to the full Board at its next meeting.

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**Supporting documentation:** None

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