Call to Order/Roll Call. ................................. Mort O'Sullivan, Chair

Chair’s Greeting. ............................................ Mort O’Sullivan, Chair

Action Item(s):
1. Adopt UWF REG 5.019, Employee Debt Collection
2. Approve Proposed Amendment to UWF REG 5.001, Parking and Registration
3. Approve Proposed Amendment to UWF REG 6.0054, Competitive Solicitation Requirements
4. Approve Proposed Amendment to UWF REG 6.0055, Procurement Actions Not Subject to Competitive Solicitation Process
5. Approve FY 2015/2016-2019 Fixed Capital Outlay

Information Item(s):
1. 3rd Quarter FY2013-14 Operating Budget Summary

Other Committee Business:

Adjournment
Issue: Adoption of UWF Regulation 5.019, Employee Debt Collection

Proposed action: Recommend Adoption of UWF Regulation 5.019

Background information:
Section 1010.03, Florida Statutes, requires universities to exert every effort to collect all delinquent accounts and the statute permits university Boards of Trustees to adopt regulations in furtherance of those efforts. The statute permits universities to implement various measures to assist with debt recovery such as setoff procedures, payroll deductions, restrictions on the release of transcripts and the awarding of diplomas and restriction on access to other resources and services of the university. This regulation provides notification to employees regarding the university’s authority to collect debts and the procedures that will be used. The proposed regulation has been posted since March 20, 2014 and no comments have been received.

Recommendation: Recommend that the Board of Trustees approve adoption of this regulation as set forth in the supporting documentation.

Implementation Plan: If approved, this regulation will be effective on the date of approval by the BOT.

Fiscal Implications: This regulation will aid in clarifying the university’s authority to and the procedures that may be used to collect debts owed to the University and may result in increased debt recovery.

Supporting documents:

- Notice and Text of Regulation 5.019, Employee Debt Collection http://uwf.edu/trustees/May23_14/ProposedAmendmentUWFREG5.019.pdf

Prepared by: Anita Schonberger, Associate General Counsel, 474-3420, aschonberger@uwf.edu

Facilitator/Presenter: Colleen Asmus, Associate Vice President of Finance, 474-2642, casmus@uwf.edu
THE UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REGULATION

REGULATION TITLE: UWF/REG - 5.019 Employee Debt Collection

SUMMARY: Section 1010.03, Florida Statutes, requires universities to exert every effort to collect all delinquent accounts and permits the university Boards of Trustees to adopt regulations in furtherance of those efforts. The statute permits implementing measures including setoff procedures, payroll deductions, restrictions on release of transcripts and the awarding of diplomas and restrict access to other resources and services of the university.

AUTHORITY: Section 1010.03 Florida Statutes, Board of Governors Regulation 1.001.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Susan Stephenson, Vice President of Business Finance and Facilities

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Anita Schonberger, Associate General Counsel at aschonberger@uwf.edu, 474-3420 (tel), 850-857-6058 (fax), or 11000 University Parkway, Pensacola, Florida 32514. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before April 5, 2014.


THE FULL TEXT OF THE PROPOSED REGULATION AMENDMENT IS SET FORTH BELOW:
University of West Florida Regulation
UWF/REG -5.019 Employee Debt Collection

(1) Application. Pursuant to section 1010.03, F.S. the University is required to exert every effort to collect all delinquent accounts owed to it. The purpose of this regulation is to provide procedures for the collection of delinquent accounts owed to the University by its current or former employees, including student employees. The term “employee” as used in this regulation also means “former employee,” where applicable. These collection procedures do not apply to the collection of delinquent student accounts except as to any wages earned as an employee or student employee. If a student simultaneously or thereafter, becomes an employee of the University these collection procedures will apply. These procedures do not apply to educational loans guaranteed by the state or any of its political subdivisions that are collectible pursuant to section 112.175, F.S.

(2) Definition of Delinquent Account.
For purposes of this regulation, delinquent accounts are all amounts owed to the University which were not paid when due, including, but not limited to, the following, for
(a) Tuition and fees
(b) Student loans awarded by the University, and other accounts accrued as a student of the University.
(c) Returned checks, traffic and parking fines, library fines, fines for resources/equipment not returned or damaged, keys, uniforms, educational resources, reasonable value of university property or equipment entrusted to an employee/former employee not returned or otherwise unaccounted for, health services, rental fees, housing charges, and physical education equipment charges
(d) Overpayments by the University of wages, workers’ compensation benefits, scholarships, fellowships, stipends and other types of payments
(e) All or a portion of a travel advance paid by the University for which no reimbursement travel voucher is received within the time prescribed by the University’s Travel Manual.
(f) Repayment due for unauthorized charges on the employee’s P-Card
(g) Amounts owed for University monies taken or used by the employee without appropriate authorization, or
(h) Repayment of advanced leave, if any, pursuant to applicable University policies and procedures.

(3) Timing of Delinquency
(a) Debt. A debt is a specific sum of money owed by an employee or former employee to the University. A debt may be a single obligation or an aggregate of separate debts. All employee debts become delinquent accounts when they remain unpaid after the date due.
(b) Overpayment. An overpayment by the University becomes an employee debt payable immediately upon the occurrence of the overpayment.
(c) Unauthorized Transactions. Repayment for unauthorized charges on a University P-card becomes due and payable at the moment the charges are made. Repayment for monies taken or used without appropriate authorization becomes due and payable at the moment the monies are taken or used.
(d) Travel Funds. All cash advances for travel purposes provided to an employee must be settled by the employee within the time frame prescribed by the University Travel Manual.

(e) Leave Pay Out. Repayment of advanced leave is due by the end of the fiscal year in which the leave was taken, unless other arrangements have been made in writing. All employee leave accounts shall be adjusted prior to the employee receiving a pay out of accumulated leave.

(4) Means of Collection
The University Controller shall verify the amount of the indebtedness with the department head originating the charges and debt and establish the manner of its recovery. The University may use any legal means for collecting employee/former employee debts owed to the University, including, but not limited to, any one or more of the following actions:
(a) issue collection letters,
(b) send notices via electronic mail, make telephone contact,
(c) engage a collection agency,
(d) negotiate a payment plan,
(e) seek a voluntary wage deduction from the employee. Each debt will be handled on an individual case basis. In the interest of fairness and equity, it is acknowledged that an individual who has incurred indebtedness may be unable to pay the total amount in a lump sum. If such is the circumstance and the individual agrees to equitable partial payments over a limited period of time, the Controller may prepare a promissory note and proposed schedule of payments for the employee’s signature. Any deduction authorization shall be kept in the permanent payroll file of the employee.
(f) If the employee refuses to voluntarily pay the indebtedness to the University, the Controller may initiate involuntary deductions from future salary payments due the employee, using the set-off procedures specified in this regulation until the total amount of indebtedness has been collected.

(5) Debt Due Notice.
The employee shall be notified by the University that he/she has a debt due, which shall state the amount due, and shall notify the employee that he or she has twenty (20) business days to either:
1. Clear the account by making payment in full,
2. Make payment arrangements as agreed to by the University Controller’s Office in writing, or
3. File a Request for Review with Controller’s Office seeking review of the debt and disputing the debt with documentary evidence.
   i. If the employee has filed a timely Request for Review the Controller, or designee, shall review the facts of the case as are known to the University including any mitigating factors as may be presented by the employee in his/her Request for Review. The Controller or designee shall decide whether the debt and amount to be collected is appropriate. The employee shall receive notification of the decision by hand delivery or by certified mail to the employee’s address on file at the Human Resources Department. If it is determined that the employee owes money to the
University, the University shall advise the employee that he/she shall receive a Notice of Set-Off.

(6) Set-Off

(a) The University may set-off an employee’s debt against future wages and/or any wages or leave pay out due at separation of employment in accordance this regulation.
(b) Prior to exercising set-off, the University will notify the employee in writing by hand-delivery or certified mail sent to the employee’s last known mailing address on file with the University’s Human Resources Department. The notice will advise the employee that the University will set-off the specific employee debt, the date the set-Off will begin, and the amount to be set-Off.
(c) The University may hold the employee’s final pay check and/or leave payout sums or any other sums due and owing by the University to the employee, simultaneous with or after the Notice of Set-Off.

(7) Set-off Limitations

(a) The set-off against future wages and/or any wages due at separation of employment may not reduce the employee’s wages to below minimum wage unless a valid exception applies. A valid exception applies if the debt is based on
   i. funds misappropriated by the employee,
   ii. a free and clear advance or loan made by the University to the employee, or
   iii. a payment made by the University to a third party creditor at the employee’s request.
(b) If the employee with debt has been notified that he or she will be separated from the University or if the employee ceases to be employed by the University for any reason, including but not limited to, termination, resignation, or job abandonment, the entire amount of the debt shall be deducted from the employee's final paycheck, except as provided in paragraph (7)(a). If the final paycheck is not sufficient to cover the outstanding debt, the remainder of the employee’s debt shall be deducted from any of the following: the employee’s leave payout, wages due at separation of employment, and/or from any other sums that may be due and owing from the University to the employee.
(c) The University may collect any balance of the debt remaining after the deduction(s) described in this section by any lawful means.

*History: New ______.*
Issue: UWF/REG-5.001 Parking and Registration

Proposed Action: Recommend approval of amendment of UWF Regulation 5.001 Parking and Registration for the Addition of Remote Lot Parking Permits

Background Information: In June, 2012 the Board of Trustees approved a five-year series of gradual parking permit fee increases. As parking permit prices increase the university desires to create a lower cost parking option for students, staff, and faculty. It is also the intent of Parking and Transportation Services to continually offer increased and improved services to the campus community. This is one in a series of benefits to be offered. The implementation of a Remote Lot parking permit option would allow students, staff, and faculty to purchase a permit valid for remote lots at one-half of the lowest permit price. Shuttles will transport students and staff from the remote lot(s) to other parts of the campus at regular intervals.

A study was conducted in 2013 with the goal of improving staff retention. Reduced rates for parking in out lots was one of the top three recommendations for improving staff retention.

Summary of Regulation Amendments: Text in the regulation was modified to 1) include references to remote lot parking permits, 2) clarify language regarding residential parking permit colors and applicable lots; 3) update web address and similar information as needed; and 4) correct minor typographical errors.

Recommendation: Recommend approval of the changes to UWF/REG-5.001 as set forth in the supporting documentation.

Implementation Plan: If approved this regulation will go into effect on July 1, 2014 and the Remote Lot permit will be available in the fall, 2014.

Fiscal Implications: These changes could result in a minor decrease in revenue but will increase the available parking options for students and staff on campus.

Supporting documents:
UWF/REG 5.001 Parking and Registration notice and text with amendments. (10 pages)
http://uwf.edu/trustees/May23_14/ProposedAmendmentUWFREG5.001.pdf

Prepared by: Mr. Chip Chism, Parking & Transportation Services, 473-7711, jchism@uwf.edu

Presented by: Ms. Ellen Till, Director, Business and Auxiliary Services, 474-2080, etill@uwf.edu
Mr. Chip Chism, Director, Parking & Transportation Services, 473-7711, jchism@uwf.edu
NOTICE OF PROPOSED REGULATION AMENDMENT

REGULATION TITLE: UWF/REG-5.001 Parking and Registration

SUMMARY: In June, 2012 the Board of Trustees approved a five-year series of gradual parking permit fee increases. As parking permit prices increase the University desires to create a lower cost parking option for students and staff. It is also the intent of Parking and Transportation Services to continually offer increased and improved services to the campus community. The implementation of a Remote Lot parking permit option would allow students and staff to purchase a permit valid for remote lots at one-half the of the lowest permit price. Shuttles will transport students and staff from the remote lot(s) to other parts of the campus at regular intervals.

AUTHORITY: BOG Regulation 7.003(9) (2013)

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Mr. Chip Chism

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Anita Schonberger, Deputy General Counsel, aschonberger@uwf.edu, Phone (850) 474-3420; Bldg. 10/Rm 104; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before Thursday, May 22, 2014.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: May 6, 2014. THE DATE THIS NOTICE WAS POSTED IN @UWF: May 6, 2014.

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:

University of West Florida Regulation

(1) General Information- The University of West Florida strives to provide a safe environment for employees, students and visitors and to provide facilities required for personal safety and health. Parking a vehicle on any of the University of West Florida’s campuses is a privilege that may be granted and revoked by the University. The University is authorized and reserves the right to regulate its vehicle parking facilities for the exclusive
use of designated groups or individuals. All vehicles parked on campus are parked at the risk of the owner. The University does not assume liability for vehicles or items left in the vehicles. Additional copies of this rule may be obtained from Parking Services, Bldg. 91, or from the University Police Department, Bldg. 19, which is open 24 hours. The text of this rule is on the web page at http://uwf.edu/generalcounsel.

(2) **Registration**- All University employees, students and others, with the exclusion of visitors, using automobiles and other mechanical conveyances on campus must be registered with Parking Services the first day the vehicle is on campus. For registration to be considered valid, the permit, if it is a decal, must be properly affixed to the lower left corner of the rear windshield or, if it is a hang tag, must be in the designated place and upright; in addition the registration form must be signed and complete.

(3) **Permits**-

a. By parking on campus, employees, students and others are agreeing to abide by and follow all provisions contained in this rule.

b. Permits may be purchased at the University Cashier’s Office, Bldg. 20E or may be purchased online by logging into my.uwf.edu, clicking the Student Resources tab and selecting “Parking Permits.” Fort Walton Beach campus permits are invalid on the University of West Florida’s Pensacola campus. The fees for permits are set forth below:

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<tbody>
<tr>
<td>Reserved/Administrative</td>
<td>$210</td>
<td>$252</td>
<td>$302</td>
<td>$363</td>
<td>$435</td>
</tr>
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<td>$174</td>
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<tr>
<td>Resident Student</td>
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<tr>
<td>Commuter Student</td>
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<td>$79</td>
<td>$95</td>
<td>$114</td>
<td>$137</td>
</tr>
<tr>
<td>Remote Lot</td>
<td></td>
<td></td>
<td></td>
<td>$47.50</td>
<td>$57</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$68.50</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>$42</td>
<td>$50</td>
<td>$60</td>
<td>$73</td>
<td>$87</td>
</tr>
</tbody>
</table>

Parking permit price includes Florida State Sales Tax. Additional vehicles are one-half the annual rate. Semester permits are one-half the annual rate.
c. Permits are issued for an academic year or semester. Permits or temporary permits must be immediately placed on the vehicle according to the instructions on the back of the permit.

d. *Purchasing a permit does not guarantee a parking space.*

e. Vehicle registration expiration dates appear on each issued permit.

f. Expired permits must be removed from the vehicle. Only one permit is allowed per vehicle.

g. Permit holders will be held responsible for violations that are committed by other persons using the permit of the permit holder.

h. Permits will not be issued to or renewed for individuals with any delinquent parking citations. All fines must be paid before a permit will be issued.

i. Each vehicle must have its own separate permit.

j. Upon sale or disposal of a registered vehicle, the permit must be destroyed.

k. Replacement permits are issued for a fee in the following cases:
   
   i. when a registered vehicle is no longer being used on campus and/or is replaced by a different vehicle (proof of registration must be furnished); or
   
   ii. when the permit of a registered vehicle is lost, stolen or defaced and an appropriate complaint is filed with the police (proof of priorregistration must be furnished).

(4) Types of Permits- There are two styles of permits: decals and hangtags. Each vehicle parking on campus must display a parking permit at all times. Hang tags are transferable to another vehicle owned by the same individual. However, no permit is transferable to another individual. Decals must be affixed to the vehicle for which it was registered and are not transferable. Hang tags must be hung from the rearview mirror so that they are visible. Placing the hangtag on the dash or console will be considered improper display. The color and type of permit will designate the specific parking areas allowed.

(5) Permit Designations-

a. **Residential:** Resident students are required to display the appropriate University resident permit. The permit must be displayed at all times the vehicle is on campus. Resident students must park in appropriate parking areas at all times the vehicle is parked on campus. Between the hours of 7:00 a.m. and 4:30 p.m. Resident students must park in blue, red, orange, silver or black lots in accordance with the color of their permit. Between the hours of 4:30 p.m. and 7:00 a.m. Resident students may also park in commuter and faculty and staff areas. *After 5:30 p.m. all vehicles, including those of Resident students, with valid parking permits may park in any numbered reserved space.* Resident students moving from one residence hall to another must purchase the appropriate permit and return the old permit to parking services in bldg.
b. **Visitor:** Visitors may pick up parking permits free of charge at Parking Services, Bldg. 91; the University Police Department, Bldg. **1994**; or the Visitor’s Center, Bldg. 81. Visitors are allowed to use designated visitor parking spaces or areas. Failure to obtain a permit may result in a citation being issued to a visitor’s vehicle. Visitors may clear their citation for “lack of permit” or “parking in a restricted area” by bringing the ticket to Parking Services. Visitors with valid state issued special needs permits can park in visitor parking spaces without a visitor’s pass. Current employees and students who are also members of the Alumni Association are not eligible for visitor passes and are not entitled to park in visitor parking areas through their membership in the Alumni Association.

c. **Disability:** Parking permits for people with disabilities are available through the State of Florida’s local tag office in accordance with Florida state statute, Section 316.1964. The University requires that the State issued disability parking permits or license plates are displayed on the vehicles parked in special needs spaces. Holders of such parking permits of license plates are not required to purchase a University of West Florida parking permit and may park in non-reserved spaces if designated disabled spaces are not available. Further information regarding special parking accommodations can be found online at [www.uwf.edu/parking](http://www.uwf.edu/parking).

d. **Temporary and Special:** Temporary and special permits are issued at Parking Services, Bldg. 91; the University Police Department, Bldg. **1994**; or the Welcome Visitor’s Center, Bldg. 81 for special circumstances such as daily visitors, vendors, business consultants, borrowed vehicles, temporary and volunteer workers, and special user needs.

   i. **Different Vehicle.** Permit holders temporarily driving an unregistered vehicle must obtain a temporary parking permit prior to parking on campus. One temporary permit is valid for up to two weeks will be issued free of charge.

   ii. **Off-Campus Students.** Students who enroll at the Fort Walton Beach campus must obtain parking permits if their vehicles are parked on the University of West Florida’s main campus. One-day permits can be obtained from the Welcome Visitor’s Center or Parking Services at no cost. If any course work is to be completed on the University’s main campus, the student must purchase a permit and the appropriate permit fee schedule will apply.

   iii. **Off-Campus Employees.** University employees who are assigned work at off-campus locations must purchase a parking permit if they park their vehicles on the University of West Florida’s main campus. However, where such employees must purchase a permit for parking at the off-campus location, the University’s permit requirement may be waived upon request by
iv. **Retired Employees.** Retired University of West Florida employees, who are no longer employed at the University, or the spouses of deceased retired employees are eligible to receive one free permit per year, upon written request to the Director of Parking and Transportation Services.

v. **Alumni.** Active Alumni Association member permits are acceptable in lieu of visitor passes. All parking regulations will apply.

(6) **Parking Restrictions**- It is the responsibility of all University of West Florida employees and students to know the University’s parking regulations. Employees and students must follow all parking restrictions.

a. **Parking Requirements for All Vehicles.**
   i. Parking on grass, sidewalks, crosswalks, streets, curbs or unimproved areas is prohibited.
   ii. Vehicles that create a hazard or constitute a nuisance will be towed away immediately at the owner’s expense.
   iii. Overnight parking of any vehicle other than by those with a resident student or guest of a resident student with a temporary permit displayed in not permitted.
   iv. Residing or sleeping overnight in vehicles parked on campus is not allowed.
   v. Lack of parking spaces will not be considered a valid excuse for violation of parking regulations.
   vi. Parking overtime in time-limited spaces in the following lots: A, B, H, BB, and U, is prohibited.

b. **Regulated Parking.** Regulated parking lots/spaces that are designated by posted signage or painted marking are restricted 24 hours a day, 7 days a week unless otherwise specified. Regulated spaces are spaces designated for certain vehicles and include the following:
   i. **Number Reserved Parking.** Number reserved spaces are reserved for designated permit holders between the hours of 7:00 a.m. and 5:30 p.m. Monday through Friday.
   ii. **Administrative Blue and Gold Parking.** Administrative Blue and Gold lots/spaces are reserved. Those with an Administrative permit may park anywhere except in number reserved spaces.
   iii. **Loading Zone.** The period of use for loading or unloading purposes will be restricted to 30 minutes. Prior permission from Parking Services to park in a Loading Zone is required. Parking regulations in Loading Zones will be enforced at all times.
   iv. **Visitor Parking.** Visitors with a temporary visitor permit are allowed to use commuter parking spaces, or designated visitor...
parking spaces only. Visitor permits can be obtained at the Visitor’s Center, Bldg. 81; Parking Services, Bldg. 91; or the University Police Department, Bldg. 19 94.; or the Welcome Center, Bldg. 81.

v. **Other Parking.** Other spaces on campus are restricted for designated functions such as Special permit, State Vehicles, Police and Service Vehicles and are marked accordingly.

c. **Resident Student Parking.** Resident student parking lots/spaces are marked by posted signage with colors that correspond to the permit color. Spaces/lots designated as Resident Student Parking are: Blue for Pace, Argo, Heritage and President’s Hall; Red for Martin Hall; Orange for Southside; and Black for the Villages. These lots are restricted 24 hours a day, 7 days a week. Notification of when the restrictions on Resident Student lots/spaces are lifted will be posted on the University website. For more information regarding resident parking on campus click the resident tab at www.uwf.edu/parking.

d. **Commuter Student Parking.** Commuter students must park in spaces designated as commuter student parking by posted signage between the hours of 7:00 a.m. and 4:30 p.m. Commuter students may park from 4:30 p.m. to 7:00 a.m. in any space on campus except restricted spaces, which include visitor, fire lanes, police, reserved, resident, disabled, service and state spaces. After 5:30 p.m. all vehicles, including those of Commuter students, with valid parking permits may park in any numbered reserved space.

e. **Faculty and Staff Parking.** Faculty and staff lots/spaces are restricted to faculty and staff permit-holders from 7:00 a.m. to 4:30 p.m. After those hours, any vehicle with a valid permit may park in faculty and staff lots/spaces except those spaces where posted signage or painted marking indicate that the space is restricted or reserved. Number reserved spaces become available for use to faculty and staff between the hours of 5:30 p.m. to 7:00 a.m. Faculty and staff may park in commuter lots for overflow parking as described in subsection gh.

f. **Remote Lot Parking:** Remote Lot permits will be valid for lot SP2 and for other lots to be determined and announced as the University’s parking needs increase. After 4:30 p.m. all vehicles, including those with Remote Lot permits, may park in any commuter or faculty and staff space. After 5:30 p.m. all vehicles, including those with Remote Lot permits, may park in any numbered reserved space. Shuttles will be provided from the Remote Lots between the hours of 7:00 a.m. and 6:30 p.m. The trolley service hours may be modified as needed.

g. **Motorcycle Parking.** Motorcycles must park in designated motorcycle spaces only. This is a 24-hour restriction.

h. **Overflow Parking.** Faculty and staff unable to locate parking in
(7) Immobilization -and Towing-

a. **Immobilization.** Persons with three or more unpaid parking citations are subject to vehicle immobilization and an administrative fee. Vehicles parked in a number reserved space without the appropriate permit are subject to immediate immobilization and/or towing.

b. **Immobilization Fees.**
   - First Immobilization: $50.00
   - Second Immobilization: $100.00
   - Third Immobilization: $150.00 and loss of parking privileges.

c. **Towing of Immobilized Vehicles.** Arrangements must be made within 24 hours of immobilization to pay accrued fines and administrative fees or the vehicle is subject to towing.

d. **Responsibility for Costs.** The fees and costs of immobilization and/or towing will be charged to the following persons:
   - i. The permit holder for the vehicle is responsible for the towing fee and administrative fee regardless of whether the permit holder is the owner of the vehicle or not. If the owner is not a permit holder and the vehicle is not registered with the University, then
   - ii. the owner registered with the state will be responsible for towing and administrative fees.

(8) The Parking Violations Appeal Board- The Parking Violations Appeals Board (PVAB) is established under the authority of the President of the University of West Florida to adjudicate appeals of parking citations issued on campus. The PVAB may sustain or dismiss charges, levy appropriate fines, restrict and restore driving privileges on campus, and impose and remove administrative sanctions. The PVAB does not have the jurisdiction to review or hear appeals regarding the Uniform Traffic Citations issued under the authority of Chapters 316 or 318, Florida Statutes, which govern the violations of traffic laws.

a. **Membership.** The PVAB is comprised of six members nominated as follows:
   - i. One faculty member from the Faculty Senate;
   - ii. One staff member from the Staff Senate;
   - iii. Two students: one resident and one commuter, chosen by the Student Government Association;
   - iv. A representative from Human Resources; and
   - v. The Parking Services Manager, who shall serve as a non-voting, ex-officio member.

b. **Operating Procedures.**
i. The chairperson will be elected annually by the members and have full voting rights.

ii. The PVAB will meet as required to discharge their responsibilities.

iii. A quorum will consist of at least three members. A simple majority of Board members voting will be required to render decisions and take action.

(9) **Parking Services Appeals Procedure.** Parking or Registration citations may be appealed through two levels.

a. **Level One.** Forms are available for the first level of appeal at Parking Services, Bldg. 91. Online appeal forms are available on the Parking Services webpage [www.uwf.edu/parking](http://uwf.edu/parking/appealform.cfm). Appeals must be filed within seven calendar days of issuance of the citation. The first level appeal is to allow for correction of any obvious issuance errors. At this level appeals go to the Parking Services Manager’s office. The Parking Services Manager makes all decisions regarding level one appeals. Decisions by Parking Services will be posted at Parking Services, Bldg. 91, the information board in front of Bldg. 20E, and on the Parking Services webpage at [www.uwf.edu/parking](http://uwf.edu/parking/appealsresults.cfm).

b. Individuals appealing a citation will be afforded an opportunity to appear before the PVAB to present their appeals in person. If the individual fails to appear, the appeal will continue in the individual’s absence. After the case is considered, the decision will be rendered in writing on the appeal or referral form and returned to Parking Services for filing and/or action as necessary. Decisions of the PVAB will be posted at Parking Services, Bldg. 91, the information board in front of Bldg. 20E, and on the Parking Services webpage at [www.uwf.edu/parking](http://uwf.edu/parking/appealsresults.cfm). The PVAB’s decision is final and binding.

(10) **Payment of Fines** - Violators of parking regulations are subject to citations resulting in the assessment of fines. Individuals receiving a University of West Florida parking citation can pay the citation online by logging into myuwf and putting ‘parking’ in the search box.” shall pay the fine at the Cashier’s Office, Bldg. 20E unless they file a timely appeal. A hold will be placed on the student account until the fine is paid or until the ticket is voided on appeal.
(11) Schedule of Fines

a. Vehicle Registration Fines

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fines</th>
</tr>
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<tbody>
<tr>
<td>Improper Display of Permit</td>
<td>$15.00</td>
</tr>
<tr>
<td>Attaching a Permit to a vehicle not listed on the registration form</td>
<td>$15.00</td>
</tr>
<tr>
<td>Taping or Temporarily affixing permit to vehicle unless otherwise directed by Parking Services</td>
<td>$15.00</td>
</tr>
<tr>
<td>Display of Expired Permit</td>
<td>$20.00</td>
</tr>
<tr>
<td>Altering or Defacing a Permit</td>
<td>$25.00</td>
</tr>
<tr>
<td>Failure to Register Vehicle</td>
<td>$50.00</td>
</tr>
<tr>
<td>Registration obtained through falsehood, misrepresentation, or incomplete information on the vehicle registration form</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

b. Parking Violation Fines

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime Parking</td>
<td>$10.00</td>
</tr>
<tr>
<td>Parking Over the Line</td>
<td>$15.00</td>
</tr>
<tr>
<td><strong>Parking in a Restricted</strong></td>
<td></td>
</tr>
<tr>
<td>Parking on Curb, Grass or Sidewalks</td>
<td>$25.00</td>
</tr>
<tr>
<td><strong>Parking Out of Permit Designation</strong></td>
<td><strong>$25.00</strong></td>
</tr>
<tr>
<td>Parking that Obstructs Traffic</td>
<td>$25.00</td>
</tr>
<tr>
<td>Parking in a Service Area</td>
<td>$25.00</td>
</tr>
<tr>
<td>Parking in a No Parking Zone</td>
<td>$25.00</td>
</tr>
<tr>
<td>Parking in Resident Space</td>
<td>$50.00</td>
</tr>
<tr>
<td>Parking in Reserved Space</td>
<td>$100.00</td>
</tr>
<tr>
<td>Parking While Suspended</td>
<td>$50.00</td>
</tr>
<tr>
<td>Parking in Handicap Spaces Illegally</td>
<td>$100.00</td>
</tr>
<tr>
<td>Parking in Fire Lane</td>
<td>$100.00</td>
</tr>
<tr>
<td>Blocking Handicap Ramp</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

(12) Alternatives to Parking on Campus- Trolleys provide a valuable and convenient alternative to finding parking, particularly when faculty, staff and nonresident student lots are congested. Convenient pickup and drop-off service is available at numerous sites around campus. The University of West Florida provides trolley routes to meet most transportation needs of students, faculty and staff. The transportation access fee for students is
$8.00 per credit hour. The transportation access fee charged to employees is $6.50 per year. This fee is charged at the time of purchase of each employee parking permit.

Authority 1006.66, 1009.24, 1009.26 FS. History- Adopted 10/26/78, amended 10/24/79, 10/6/80, 8/9/81, 2/6/86, formerly 6C6-5.01, amended 5/29/90, 5/22/95, 5/31/05, 8/18/05, converted UWF/REG 5.001 on 7/21/05, amended 12/12/05, 05/05/06, 06/07/11, 06/15/12, __________.
Issue: Amendment of UWF/REG-6.0054 Competitive Solicitation Requirements

Proposed action: Approve amendment in form attached of UWF/REG-6.0054 Competitive Solicitation Requirements to bring the regulation compliance with Board of Governors (BOG) Regulations.

Background information:
The proposed amendment updates the current regulation to incorporate amendments to Board of Governors Regulations 18.001 and 18.002 regarding preferences for Florida-Based Vendors and bid protest procedures for contract procurement processes.

Regulation Amendment Procedural History:
The notice of proposed amendment to UWF/REG 6.0054 was posted to the BOT website on May 8, 2014 and comments were invited. The notice was also published in the May 8, 2014 edition of Argus Today and comment was invited. No comments have been received as of the date hereof. The required 30 day notice period for the proposed regulation ends on June 7, 2014.

Recommendation:
Approve amendment of UWF/REG-6.0054 Competitive Solicitation Requirements as set forth in the supporting documentation.

Implementation Plan:
Effective immediately upon BOT action.

Fiscal Implications:
None.

Supporting documents:
- BOG Regulations 18.001 and 18.002
  [http://uwf.edu/trustees/May23_14/BOGREG18.001.pdf](http://uwf.edu/trustees/May23_14/BOGREG18.001.pdf)
- UWF/REG 6.0054 Regulation Amendment Notice with Proposed Amendments
  [http://uwf.edu/trustees/May23_14/ProposedAmendmentUWFREG6.0054.pdf](http://uwf.edu/trustees/May23_14/ProposedAmendmentUWFREG6.0054.pdf)

Prepared by: James H. Felder, Associate General Counsel, Office of the General Counsel, 474-3420, jfelder@uwf.edu

Facilitator/Presenter: Colleen Asmus, Associate Vice President, Financial Services, 474-2642, casmus@uwf.edu
18.001 Purchasing Regulation

(1) Authority of the Institutions. Each university Board of Trustees shall adopt regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services, as follows:

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

(b) Planning and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.

(c) Evaluating, approving, and utilizing contracts let by any State of Florida agency or department, the Federal Government, other states, political subdivisions, not-for-profit cooperatives or consortia, or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University, to make purchases under contracts let by such other entities. Universities shall review existing consortia and cooperative contracts to identify potential savings and, if there is the potential for savings, enter into new consortia and cooperative contracts to achieve the savings, with the goal of achieving a five-percent savings on existing contract prices.

(d) Awarding contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or State University System-wide basis and the contracts may be for multiple years.

(e) Rejecting or canceling any or all competitive solicitations when determined to be in the best interest of the University.

(f) Barring any vendor from doing business with the University for demonstrated cause, including previous unsatisfactory performance.

(g) Prohibiting University employees and University direct support organization employees participating on a procurement selection committee for commodities or services from soliciting donations from responding vendors during the selection process, except for donations or other benefits expressly stated in the procurement document.

(2) Competitive Solicitation Threshold. Each university Board of Trustees shall establish a competitive solicitation threshold not greater than $75,000 (the “Competitive Solicitation Threshold”) for the purchase of commodities or contractual services.

(a) When only one response is received to the competitive solicitation for commodities or contractual services that exceed the Competitive Solicitation Threshold, the University may 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 may proceed with the acquisition.

(b) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.
Preferences for Florida-Based Vendors.

(a) Preferences for Personal Property. When a University awards a contract to purchase personal property, other than printing, by competitive solicitation pursuant to paragraph (2) of this regulation, a preference shall be provided to vendors with a principal place of business in Florida (such vendors hereinafter referred to as “Resident Vendors”) as follows:

1. If the responsible and responsive vendor that submits the lowest bid, the most advantageous proposal, or the best value reply is one whose principal place of business is outside of Florida and is in a state or political subdivision thereof that grants a preference for the same purchase to a vendor in such state or political subdivision, as applicable, then the University shall grant the same preference to the responsible and responsive Resident Vendor with the lowest bid received pursuant to an Invitation to Bid, the most advantageous proposal received pursuant to a Request for Proposals, or the best value reply received pursuant to an Invitation to Negotiate.

2. With respect to Invitations to Bid, if the lowest responsible and responsive bid is from a vendor whose principal place of business is in a state that does not grant a preference for the purchase to a vendor in such state, then the University shall grant a preference in the amount of five percent (5%) to the lowest responsible and responsive Resident Vendor.

3. For vendors whose principal place of business is outside of Florida, such vendors must, at the time of submitting its bid, proposal or reply, provide a written opinion from a licensed attorney in its state specifying: (a) the preferences(s) granted by the state or political subdivision, as applicable, under the laws of that state to vendors whose principal place of business is in that state or political subdivision; and (b) how the preference is calculated. The failure to submit the written opinion may be waived as non-material if all vendors responding to the solicitation have principal places of business outside of Florida.

4. The vendor’s principal place of business, as represented by the vendor in its bid or reply, may be relied upon by the University without further inquiry. If the University determines that a vendor has misrepresented its principal place of business, the vendor’s bid, proposal or reply shall be rejected.

5. For the purpose of paragraph (3)(a), “personal property” shall be defined as goods and commodities, but not real estate, intellectual property or services.

(b) Preferences for Printing. When a University purchases printed materials by competitive solicitation pursuant to paragraph (2) of this regulation, a preference shall be provided Resident Vendors as follows:

1. If the lowest responsible and responsive bid received pursuant to an Invitation to Bid is from a vendor whose principal place of business is outside of Florida, then the University shall grant a preference to the lowest responsible and responsive Resident Vendor in the amount of five percent (5%) if the University has determined that the printing can be performed by the Resident Vendors at a level of quality comparable to that obtainable from the vendor submitting the lowest bid whose principal place of business is outside of Florida.
2. For purposes of subparagraph 3(b)(1), the level of quality shall be determined by whether a vendor satisfies the minimum specification requirements as set forth in the Invitation to Bid.

(c) Method of Calculating Five Percent Preference.
1. If the competitive solicitation is an Invitation to Bid, then an amount equal to five percent (5%) of the total base bid and any alternates shall be deducted from the base bid and alternates, as applicable, of the lowest responsible and responsive Resident Vendor’s bid.

(d) Determining a Vendor’s Principal Place of Business. A vendor’s “principal place of business” is determined as follows:
1. If the vendor is an individual or a sole proprietorship, then its “principal place of business” is in the state where the vendor’s primary residence is located.
2. If the vendor is a business organization, then its “principal place of business” is in the state where the majority of the vendor’s executive officers direct the management of the vendor’s business affairs.

(e) Federally Funded Projects. Purchases made to perform specific obligations under federally funded projects shall not be subject to this preference requirement to the extent the application of a preference is not allowed under applicable federal law or regulation.

(4) Exceptional Purchases. Each university is authorized to make exceptional purchases of commodities or contractual services as follows:

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

(b) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.

(c) Purchase of Insurance. Each University shall have the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University.

(d) Purchase of Printing. However, if a University determines that it is in the best interests of the University to purchase printed materials through a competitive solicitation process, the preference provision in paragraph (3)(b) shall apply.

(5) Purchases from Contractors Convicted of Public Entity Crimes. A University 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.

(6) Competitive Solicitation Exceptions. The following types of purchasing actions, and commodities and contractual services purchases are not subject to the competitive solicitation process:

(a) Emergency Purchases. When a university president or his/her designee determines, in writing, that the delay due to the competitive solicitation process is an immediate danger to the public health or safety or the welfare of the University, including
University tangible and/or intangible assets; or would otherwise cause significant injury or harm not in the best interest of the University, the University may proceed with the procurement of commodities or contractual services without a competitive solicitation.

(b) Sole Source Purchases. Commodities or contractual services available from a single source may be exempted from the competitive solicitation process.

(c) Purchases from Contracts 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 solicitation.

(d) The following listed commodities and services are not subject to competitive solicitation:
   1. Artistic services;
   2. Academic reviews;
   3. Lectures;
   4. Auditing services;
   5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
   6. 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, provided they 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;
   7. 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;
   8. 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;
   9. Family placement services;
   10. Training and education services;
   11. Advertising;
   12. Services or commodities provided by governmental agencies, another University in the State University System, direct support organizations of the university, political subdivisions or other independent colleges and universities;
   13. Programs, conferences, workshops, continuing education events or other university programs that are offered to the general public for which fees are collected to pay all expenses associated with the event or program;
   14. Purchases from firms or individuals that are prescribed by state or federal law, or specified by a granting agency;
   15. Regulated utilities and government franchised services;
16. Regulated public communications, except long distance telecommunication services or facilities;
17. Extension of an existing contract;
18. Renewal of an existing contract if the terms of the contract specify renewal option(s);
19. Purchases from an Annual Certification List developed by each University;
20. Purchases for resale;
21. Accounting Services;
22. Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;
23. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; or
24. 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.

(7) **Vendors Excluded from Competition.** In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, Invitations to Bid, Request for Proposals and/or Invitations to Negotiate shall be excluded from competing for such procurements.

(8) **Standard of Conduct.** It shall be a breach of ethical standards for any employee of a 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. It shall also be a breach of ethical standards for any potential contractor to offer an employee of a University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

Authority: Section 7(d) Art. IX, Fla. Const.; History—New 3-27-08; amended 3-28-13

(1) Purpose. The procedures set forth in this Regulation shall apply to protests that arise from all university contract procurement processes for the purchase of goods, services, leases and for construction-related competitive solicitations, and shall be the exclusive set of procedures applicable to all such protests.

(2) Definitions.
   (a) Adversely affected - where the university decision or intended decision will cause immediate injury in fact to the Protestor and the injury is of the type that the pertinent law or regulation is designed to protect.
   (b) Days – calendar days.
   (c) Decision or intended decision - the Specifications; the rejection of a response or all responses to a competitive solicitation; the intent to award a contract pursuant to a competitive solicitation as indicated by a posted written notice; a sponsored research exemption; or a determination that a specified procurement can be made only from a sole source.
   (d) Electronic posting - posting on the university’s designated website.
   (e) Filing - when filing documents or written materials with:
      1. The Issuing Office, the filing is the delivery of the original of the document or written materials at the Issuing Office. Filing the Notice of Intent to Protest or the Formal Protest via email or facsimile is not permitted. The time allowed for filing any documents or written material is not extended by the mailing of such;
      2. The President, the President’s Designee or the Presiding Officer, filing is the delivery of the documents or written material to the President, President’s Designee or Presiding Officer via email or in person at a hearing.
   (f) Formal Protest - the formal written complaint that complies with the requirements of Section (6) of this regulation.
   (g) Issuing Office - the office that issued the solicitation, or if a solicitation has not been issued, the office that made the decision or intended decision that is being protested.
   (h) Legal holidays - those days designated as holidays in Section 110.117, Florida Statutes, and those days - other than Saturdays and Sundays - when the university is officially closed.
   (i) Notice of Intent to Protest - a short and plain written statement that complies with the requirements of Section (5) of this regulation.
   (j) Potential Protestor - any actual or prospective bidder or offeror, person, or firm with standing to protest the decision or intended decision.
   (k) President - means the presiding president of the university.
   (l) President’s Designee – the person selected by the President to perform a specific delegated function on behalf of the President under this regulation.
(m) President/President’s Designee – means the presiding president of the university; however, if the presiding president appoints a designee, shall mean the presiding president’s designee only.

(n) Presiding Officer - the Quasi-Judicial Officer or the University Official handling the protest proceeding.

(o) Protest proceeding - either a summary proceeding involving a University Official or a quasi-judicial hearing involving a Quasi-Judicial Officer.

(p) Protestor - any actual or prospective qualified bidder or offeror, or person or firm that is adversely affected and has standing who timely files a Notice of Intent to Protest and also timely files a Formal Protest.

(q) Quasi-Judicial Officer - the designated presiding official (may be an Administrative Law Judge or a qualified attorney with a minimum of five years’ experience practicing law) in a protest proceeding where there are disputed issues of material fact.

(r) Serve/Service – sending a copy of the information to the parties via email communication at the email addresses of record.

(s) Specification – the contents of the competitive solicitation or any addenda thereto; the approval of a sole source procurement; or other solicitation documents as permitted by applicable law or regulation.

(t) Timely Filed – actual receipt of documentation or written material by the Issuing Office, the President, the President’s Designee, or the Presiding Officer on or before the deadline.

(u) University Official – the person appointed by the President to conduct a summary proceeding.

(3) Notice of Decision or Intended Decision. The university shall provide a notice of decision or intended decision by electronic posting. The notice shall contain the following statement: “Failure to timely file a protest or failure to timely deliver the required bond or other security in accordance with the Board of Governors’ Regulations 18.002 and 18.003 shall constitute a waiver of protest proceedings.”

(4) Initiating a Protest. If a Potential Protestor desires to protest a decision or intended decision of a university, the Potential Protestor must timely file a Notice of Intent to Protest, a Formal Protest, and the required Solicitation Protest Bond prescribed by Board of Governors Regulation 18.003 with the Issuing Office.

(5) Notice of Intent to Protest.
   (a) Timely Filing of a Notice of Intent to Protest.
      1. Protesting a Specification. If the Potential Protestor is protesting a Specification, the Potential Protestor must timely file a Notice of Intent to Protest with the Issuing Office within 72 hours of the university’s electronic posting of the Specification that is being protested. A Potential Protestor’s failure to timely file a Notice of Intent to Protest within 72 hours of the
posting of the Specification shall constitute a waiver of the right to protest proceedings related to that Specification;

2. Protesting any Other Decisions or Intended Decisions. If a Potential Protestor is protesting any decision or intended decision other than a Specification, the Potential Protestor must timely file a Notice of Intent to Protest such decision or intended decision with the Issuing Office within 72 hours of the university’s posting of the notice of decision or intended decision that is being protested. A Potential Protestor’s failure to timely file a Notice of Intent to Protest within 72 hours of the university’s posting of the notice of decision or intended decision being protested shall constitute a waiver of the right to protest proceedings related to that decision or intended decision.

a. Filing Period for the Notice of Intent to Protest. The 72-hour period for filing the Notice of Intent to Protest regarding any decision or intended decision begins upon the electronic posting of the decision or intended decision. If the end of the 72-hour period falls on a Saturday, Sunday, or legal holiday, the deadline for filing the Notice of Intent to Protest shall be the next business day. A Notice of Intent to Protest may not be filed before the 72-hour period begins.

b. Content of the Notice of Intent to Protest. The Notice of Intent to Protest must be addressed to the Issuing Office; must identify the Potential Protestor and must provide the Protestor’s/Protestor’s counsel or representative’s address, phone number and email address; must state the name and address of the university whose action is being protested; must identify the solicitation by number and title, or if the intended protest is not related to a competitive solicitation, must provide other language that will enable the university to identify the decision or intended decision being protested; and must state that the Potential Protestor intends to protest the decision or intended decision.

(6) Formal Protest and Solicitation Protest Bond.

(a) Timely Filing of a Formal Protest and Solicitation Protest Bond. The Potential Protestor must timely file a Formal Protest with the Issuing Office within ten (10) days after the date the Notice of Intent to Protest was filed. In addition, the Potential Protestor must timely file the required Solicitation Protest Bond with the Issuing Office within ten (10) days after the date the Notice of Intent to Protest was filed. The failure of the Potential Protestor to timely file the Formal Protest or to timely file the Solicitation Protest Bond shall constitute a waiver of the Potential Protestor’s right to protest proceedings and/or the denial and dismissal of the Potential Protestor’s protest.

(b) Content of the Formal Protest. The Formal Protest must state with particularity the facts and law upon which the protest is based. Only actual or prospective bidders or offerors who would be adversely affected by the
university’s proposed action have standing to protest the award or intent to award a contract through competitive solicitation. The Formal Protest must contain the following:

1. The name of the Protestor and the address, telephone number and email address of the Protestor/Protestor’s counsel or representative. The email address provided will be the email address used by the Issuing Office, the President, the President’s Designee, the Presiding Officer, and the other parties for serving the Protestor with notice, documents and other materials related to the protest;

2. The identification of the university and competitive solicitation involved, if no competitive solicitation is involved, identification of the action being protested;

3. A statement of when and how the Protestor received notice of the decision or intended decision that is being protested;

4. A concise statement of the facts, including the specific facts the Protestor contends warrant reversal or modification of the university’s decision or intended decision;

5. A statement of all disputed issues of material fact, or if there are none, the Formal Protest must indicate so;

6. A statement of the specific regulations or laws that the Protestor contends require reversal or modification of the decision or intended decision, including an explanation of how the alleged facts relate to the specific regulations or statutes;

7. A statement of all information establishing that the Protestor is an interested party for the purpose of filing a protest, and how the Protestor would be adversely affected by the university’s proposed action;

8. A statement of the relief sought by the Protestor, stating precisely the action the Protestor wishes the University to take with respect to the protest; and

9. A copy of any documents or materials referenced or incorporated into the Formal Protest.


(a) Upon receipt of the Formal Protest by the Issuing Office, the Issuing Office will stop the solicitation or contract award process until the subject of the protest is resolved, unless the President sets forth in writing particular facts and circumstances which require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety or welfare.

(b) The President/President’s Designee may, in response to a Protest, terminate the contract procurement process, terminate the solicitation process, and/or reject all bids. If any such action is taken, the Protest shall be automatically
dismissed, and the university may, if desired, reinitiate the contract procurement process.

(8) University’s Response to a Formal Protest. The university will file a notice with the Issuing Office of the name, phone number and email address for the attorney representing the university in the protest; the email address provided will be the email address used by the Issuing Office, the President, the President’s Designee, the Presiding Officer, and the other parties for serving the university with notice, and documents and material related to the protest. The university may also file a written response to the Formal Protest with the Issuing Office within seven (7) days after the date the Formal Protest is filed.

(9) Right of Counsel. A party participating in the protest or appearing in a protest proceeding has the right, at the party’s own expense, to be represented by counsel or by a qualified representative.

(10) Resolution by Mutual Agreement.
   (a) Informal Discussions. Following the timely filing of a Formal Protest and Solicitation Protest Bond, the university may hold informal discussions with the Protestor to resolve the protest by mutual agreement. Such discussions, if made available, will take place within seven (7) days, of the filing of the Formal Protest. The President/President’s Designee has the authority to settle or resolve protests.
   (b) Time Tolled. If informal discussions are scheduled, the time requirements related to this regulation are tolled for the period of time from the date the Formal Protest is filed until the date the last informal discussion is scheduled for or held.
   (c) Settlement Agreement. Unless prevented by law, if the parties reach a mutual agreement and a term in the settlement agreement conflicts with this regulation, the term in the settlement agreement will control.
   (d) Failure of Parties to Resolve by Mutual Agreement. If informal discussions are not held, or the informal discussions do not result in a mutual agreement between the parties, the protest shall proceed to either a summary proceeding or a quasi-judicial hearing, as appropriate.

(11) Determination of Appropriate Proceeding. When there is no resolution by mutual agreement, the President/President’s Designee shall appoint a University Official, and the Initiating Office will forward all material filed by the parties to the University Official. The University Official will review the material filed by the parties that would be admissible in evidence to determine whether there are any disputed issues of material fact. If the protest contains no disputed issues of material fact, a summary proceeding is appropriate. If the protest contains disputed issues of material fact, a quasi-judicial hearing is appropriate.
(12) **Summary Proceeding.** If the protest contains no disputed issues of material fact, the University Official shall conduct a summary proceeding. The summary proceeding will be conducted within thirty (30) days after the date the Formal Protest was filed.

(a) **Notice of Proceeding.** The University Official shall serve written notice on all parties, such notice will allow the parties at least seven (7) days from the date of the notice to file with the University Official any documents, memoranda of law, or other written material (collectively referred to as “written material”) in support of or in opposition to the university’s action or refusal to act and to serve the other parties with a copy of the same. At the end of the seven (7) days, the University Official shall then serve a second notice to the parties stating that the parties have seven (7) days to file with the University Official and to serve the other parties with their written responses to the written material filed by the other parties.

(b) **Informal Hearing.** The University Official may, in the University Official’s sole discretion, schedule an informal hearing on the matter for the purpose of taking oral evidence or argument. If the University Official schedules an informal hearing, the University Official shall serve the parties with written notice at least fourteen (14) days prior to the hearing, setting forth the place, date, and time of the hearing.

(c) **University Official’s Recommended Order.**
1. The University Official will issue a Recommended Order to the President on whether the university’s proposed action is contrary to the applicable statutes, regulations, or policies governing the university, or to the Specifications. The University Official’s Recommended Order shall take into consideration only those documents and written materials filed by the parties, and if an informal hearing is held, information obtained as a result of the informal hearing;
2. The University Official’s recommended order shall be issued to the President within fifty (50) days after date the Formal Protest was filed. The University Official shall serve copies of the Recommended Order, along with the date the Recommended Order was issued, to the parties immediately after issuing the Recommended Order to the President;
3. The University Official shall also submit the recording of the informal hearing, if one was held, and all documents and written material in the matter to the President when issuing the Recommended Order.

(d) **Exceptions to the University Official’s Recommended Order.** The parties may file written exceptions to the Recommended Order. The Parties must file any exceptions to the Recommended Order with the President within seven (7) days after the date the Recommended Order was issued.

(e) **The Final Order.** The President shall enter a Final Order within twenty-one (21) days after the date the Recommended Order was issued. In deciding whether to follow or depart from the University Official’s Recommended Order, the President may consider the written materials and exceptions filed
by the parties, and the recording of the informal hearing, if any. The President’s Final Order is the final decision of the University.

(f) Point of Entry. Judicial review of the university’s final decision shall be in accordance with Florida Rule of Appellate Procedure 9.190(b)(3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act. A request for review may be made by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days after the date of the university’s final decision. Failure to seek timely review shall constitute a waiver of the right to appeal the university’s final decision.

(13) Quasi-Judicial Hearing. If the Formal Protest contains issues of material fact, the President/President’s Designee shall refer the Formal Protest to a Quasi-Judicial Officer for a quasi-judicial hearing. The hearing shall be conducted within forty (40) days after the date the Formal Protest was filed.

(a) Appointment of Quasi-Judicial Officer. Within seven (7) days after the date the Formal Petition was filed, the President/President’s Designee shall appoint a Quasi-Judicial Officer or forward a request for hearing and such other documents, laws and regulations as may be required by the Florida Department of Administrative Hearings to the Department, and for assignment of an Administrative Law Judge to conduct a quasi-judicial hearing (“hearing”).

(b) Notice of Hearing.
1. Within seven (7) days after being appointed, the Quasi-Judicial Officer shall issue a Notice of Hearing, stating the time, date and location for the parties to present evidence and argument on the issues under consideration. The Quasi-Judicial Officer shall set a time and place for all hearings and shall serve written notice on all the parties;
2. The Quasi-Judicial Officer shall give no less than 14 days’ notice of the hearing on the merits of the protest, unless otherwise agreed by the parties.

(c) University Statement of Actions. Within seven (7) days after the appointment of the Quasi-Judicial Officer, the university shall file a written statement to the Quasi-Judicial Officer stating the actions (proposed actions, actions already taken, or refusal to take action are referred to as “actions”) of the university, and a summary of the factual, legal, and policy grounds for such actions. The university shall immediately serve a copy of the Statement of Actions on the other parties.

(d) Protestor’s Response to University Statement of Actions. Within seven (7) days after the university provides the University Statement of Actions to the Quasi-Judicial Officer, the Protestor may file a written response to such statement with the Quasi-Judicial Officer. The Protestor shall immediately
serve a copy of the Protestor’s Response to the University’s Statement of Actions on the other parties.

(e) Discovery. After the assignment of the Quasi-Judicial Officer, the parties may obtain discovery through the means and manner provided in the Florida Rules of Civil Procedure 1.280 through 1.400. The Quasi-Judicial Officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay.

1. Each party must serve a list of evidence to the other parties at least seven (7) days prior to the first day of the hearing, along with a general description of how the party intends to use the evidence in the hearing;
2. Each party must file a witness list with the Quasi-Judicial Officer and serve the same on the other parties at least seven (7) days prior to the first day of the hearing. The parties must include a general description of how the party intends to use each witness in the hearing with the witness list.

(f) De Novo Proceeding. The Quasi-Judicial Officer shall conduct a de novo proceeding to determine whether the university’s decision or intended decision is contrary to the statutes, regulations, or policies governing the university, or contrary to the Specifications. The standard of proof for the proceedings shall be whether the proposed university action was clearly erroneous, contrary to competition, arbitrary, or capricious. However, if the protest is regarding the university’s decision to reject all responses to a competitive solicitation, the standard of review shall be whether the university’s intended action is illegal, arbitrary, dishonest or fraudulent.

(g) Burden of Persuasion. The burden of proof rests with the party protesting the university action.

(h) Conduct of Hearing. All parties shall have an opportunity to: present evidence; to respond to all issues involved; to conduct cross-examination and submit rebuttal evidence; and to submit proposed findings of fact and proposed orders.
1. The hearing shall be conducted in conformity with the Florida Rules of Civil Procedure and the Florida Rules of Evidence applicable to civil proceedings unless specifically contradicted by this regulation or otherwise agreed by the parties;
2. Each party shall have a minimum of fifteen (15) minutes to argue its position. The Protestor shall present its argument first and have the opportunity for rebuttal. At the Quasi-Judicial Officer’s discretion, the university may have the opportunity for surrebuttal;
3. The Quasi-Judicial Officer has the right to question each party and any witnesses.

(i) Recommended Order. The Quasi-Judicial Officer may request that the parties submit proposed findings of fact, conclusions of law, orders and memoranda on the issues within a time designated by the Quasi-Judicial Officer. No later
than thirty (30) days after receipt of the hearing transcript, the Quasi-Judicial Officer shall issue a written Recommended Order to the President, and serve a copy on each of the parties.

(j) Preliminary Order and Exceptions to the Preliminary Order. Within fourteen (14) days after the date the Recommended Order was issued, the President shall issue a Preliminary Order and serve the parties with a notice of such order. If the Protestor takes exception to the Preliminary Order, the Protestor must timely file its written exceptions with the President within fourteen (14) days after the date the Preliminary Order was issued. The Preliminary Order shall provide, “This Preliminary Order is the Final Order unless the Protestor files written exceptions to the Preliminary Order with the President no later than 14 days after the date this Preliminary Order is issued.”

(k) Final Order.
1. If no written exceptions are timely filed, the Preliminary Order is the Final Order;
2. If the Protestor timely files written exceptions, then within fourteen (14) days after the end of the 14 day period for filing exceptions to the Preliminary Order, the President will review the Preliminary Order and the timely filed exceptions and will render a Final Order;
3. The President’s Final Order is the final decision of the University.

(l) Point of Entry. Judicial review of the University’s final decision shall be in accordance with Florida Rules of Appellate Procedure Rule 9.190(b)(3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act. A request for review may be made by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days after the university’s final decision. Failure to seek timely review shall constitute a waiver of the right to appeal the university’s final decision.

(14) Computation of Time. In computing any period of time under this regulation or by order of a Presiding Officer, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Notwithstanding the above, this Section does not apply when computing the time period for filing the Notice of Intent to Protest as it is computed in accordance with Section (5)(b) of this regulation.

(15) Conflict. Following appointment of the University Official or the Quasi-Judicial Officer as the Presiding Officer of a protest proceeding, the attorney representing the university in the protest will not serve as legal advisor to the Presiding Officer until the
protest proceedings are over (to include the period of time in which the final decision of the university can be appealed).

(16) Intervenors. Persons other than the original parties to a pending proceeding whose substantial interest will be affected by the proceeding and who desire to become parties may petition the Presiding Officer for leave to intervene. Except for good cause shown, petitions for leave to intervene must be filed with the Presiding Officer no later than 20 days after the date the Formal Protest was filed. The petition shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to a Board of Governors’ or university’s rule or regulation, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. The petition shall also include the email address of the intervenor/intervenor’s counsel or representative; the email address provided will be the email address used by the President, the President’s Designee, the Presiding Officer, and the other parties for serving the intervenor with notice, documents and materials related to the protest. If time permits, the parties may, within seven (7) days after service of the intervenor’s petition, file a response in opposition to the petition with the Presiding Officer and serve the same on the other parties. The Presiding Officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(17) Presiding Officer Orders. The Presiding Officer may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the protest.

(18) Motions. All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing and shall fully state the action requested and the grounds relied upon. The moving party shall file the motion with the Presiding Officer and serve a copy on the other parties. When time allows, the other parties may, within seven (7) days after service of a written motion, file a response in opposition and serve the same on the other parties. Written motions will normally be disposed of after the response period has expired based on the motion, together with any supporting or opposing memoranda. The Presiding Officer shall conduct proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion. Motions, other than a motion to dismiss, shall include a statement that the movant has conferred with the other parties of record and shall state whether any party has an objection to the motion. Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

(19) Evidence. In a protest to an invitation to bid or request for proposals procurement, no submissions made after the bid or proposal opening which amend or supplement the bid or proposal shall be considered. In a protest to an invitation to
negotiate procurement, no submissions made after the university announces its intent to award a contract, reject all replies, or withdraw the solicitation which amend or supplement the reply shall be considered.

(20) Extensions or Continuances. The Presiding Officer may extend the time period for holding the hearing. The Presiding Officer may also grant a continuance of a hearing for good cause shown. Except in cases of emergency, requests for continuance must be made at least seven (7) days prior to the date noticed for the hearing.

(21) Records. The university shall accurately and completely preserve all testimony and evidence in the proceeding, and upon the request of any party shall provide a copy of the testimony. The university may charge the cost of duplication to the requesting party. Proceedings shall be recorded by a certified court reporter or by recording instruments.

Any party to a hearing may, at its own expense, provide a certified court reporter if the university does not. The Presiding Officer may provide a certified court reporter. At a hearing reported by a court reporter, any party who wishes a transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(22) Costs and Attorney Fees. If the Quasi-Judicial Officer determines that the non-prevailing party has participated in the hearing for an improper purpose, the Quasi-Judicial Officer may award attorney’s fees and costs to the prevailing party, as appropriate. If the Quasi-Judicial Officer awards the university attorney’s fees and/or costs, upon Protestor’s payment of such costs, the university shall return the solicitation protest bond to the Protestor. “Improper purpose” means participation in the protest proceeding primarily to harass, cause unnecessary delay, frivolous purpose; needlessly increasing the costs of litigation, licensing, or securing the approval of an activity; or filing a meritless protest.

Authority: Section 7(d), Art. IX, Fla. Const., History – New 3-27-08, Amended 9-12-13.
NOTICE OF PROPOSED AMENDMENT TO REGULATION

REGULATION TITLE: UWF/REG 6.0054-Competitive Solicitation Requirements

PURPOSE: The purpose of the regulation amendment is to bring the regulation in compliance with Board of Governors (BOG) Regulations 18.001 and 18.002 regarding preferences for Florida-Based Vendors and bid protest procedures for contract procurement processes.

SUMMARY: The proposed amendment deletes the existing preference language utilized when multiple responses are received to a competitive solicitation and replaces it with Florida Preference language from BOG Regulation 18.001; deletes the former protest procedures and incorporates the protest procedures provided by BOG Regulation 18.002.

AUTHORITY: BOG Regulations 1.001, 18.001 and 18.002.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:
Angela Jones, Procurement Director

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before May 23, 2014 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: May 9, 2014.

THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”: May 8, 2014.

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:
University of West Florida Regulation
UWF/REG-6.0054 Competitive Solicitation Requirements.
(1) All contracts for the purchase of commodities or contractual services exceeding $75,000 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 the threshold amount defined in section (1) above, 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 pursuant to section (1) for personal property or printing, the University may give a preference to responses from vendors with a principal place of business in Florida as set forth in Board of Governors’ Regulation 18.001(3), that include commodities manufactured in the state, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state. If these conditions do not exist or are 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 notice of intent to award shall be publicly posted in accordance with Florida Board of Governor’s Regulation 18.002 by the Procurement and Contracts Office for 72 hours prior to award. This is interpreted as three working days excepting Saturdays, Sundays, or State holidays.
(6) Responses to competitive solicitations shall remain confidential in accordance with Chapter 119 F.S.
(7) 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.
(8) 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.
(9) 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.
(10) Withdrawal of solicitation by bidders after the opening. Should a bidder withdraw its bid after bid opening, the University reserves the right to collect on the vendor or contractor’s bid bond.
(11) The University has the authority to reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.
(12) Protests Procedures. Protests arising from all University contract procurement processes for the purchase of goods, services, leases and for construction-related competitive solicitations shall be handled in accordance with BOG Regulation 18.002.
Any qualified bidder who is adversely affected by the University’s decision or intended decision regarding a competitive solicitation may file a written Notice of Protest with the Procurement and Contracts Office within 72 hours after the electronic posting of award or notice of intent to award, provided the contract has not been fully executed. The Notice of Protest must be received before the expiration of the 72 hour period. Notices of Protest filed after the 72 hour period will be rejected.
(13) Formal Written Protest. The protesting party must reduce its protest to a written petition and file it with the President of the University or designee within ten calendar (10) days of the filing of the Notice of Protest. Formal written protests not filed within this 10 day period will be rejected. The formal written petition must state with specificity the grounds upon which the protest is based and also the action requested to be taken. If the competitive solicitation document requires the posting of a bond with the protest, the bond shall be included with the protest.
Noncompliance with this regulation, in whole or in part, shall be deemed to be a waiver by the protesting party of its rights under this regulation.
(14) Upon receipt of the formal written petition filed in accordance with this regulation, the President or designee shall delay the execution of the contract until the protest is resolved by mutual agreement between the parties or by final presidential action, unless the President shall make a finding and declares that such delay would cause serious danger to the public health, safety or welfare.
(15) Quasi Judicial Hearing. If the protest involves a disputed issue of material fact, and the protesting party requests a hearing, the matter will be referred for a quasi-judicial hearing. At the conclusion of the hearing, the presiding officer shall submit a written recommended order to the President of the University. The President shall then issue a preliminary order for final action and notify the protesting party of such order. The preliminary order of the President shall be final, unless the protesting party takes exception to such order; in which event, the protesting party may file with the 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 President will review the preliminary order and any exceptions that have been filed, and will render the final order. The decision of the 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.
Issue: Amendment of UWF/REG-6.0055 Procurement Actions Not Subject to Competitive Solicitation Process

Proposed action: Approve amendment in form attached of UWF/REG-6.0055 Procurement Actions Not Subject to Competitive Solicitation Process to allow the University to continue utilizing cooperative purchasing agreements.

Background information:
The proposed amendment updates the current regulation to include authority provided in BOG Regulation 18.001(6)(12) allowing the University to utilize purchasing agreements made by other governmental entities and universities with similar competitive solicitation processes. This exception allows for the streamlining of certain procurement processes by reducing the administrative time and costs involved (i.e., cost of preparing bid specifications, advertising, negotiating terms, etc.) while maintaining fair and open competition in the procurement process. When this exception is used, the university will secure and maintain documentation of the competitive solicitation by the government agency or university that entered into the original agreement.

Regulation Amendment Procedural History:
The notice of proposed amendment to UWF/REG 6.0055 was posted to the BOT website on May 8, 2014 and comments were invited. The notice was also published in the May 8, 2014 edition of Argus Today and comment was invited. No comments have been received as of the date hereof. The required 30 day notice period for the proposed regulation ends on June 7, 2014.

Recommendation:
Approve amendment of UWF/REG-6.0055 Procurement Actions Not Subject to Competitive Solicitation Process as set forth in the supporting documentation.

Implementation Plan:
Effective immediately upon BOT action.

Fiscal Implications:
None.

Supporting documents:
- BOG Regulation 18.001
  http://uwf.edu/trustees/May23_14/BOGREG18.001.pdf
- UWF/REG 6.0055 Regulation Amendment Notice with Proposed Amendments
  http://uwf.edu/trustees/May23_14/ProposedAmendmentUWFREG6.0055.pdf

Prepared by: James H. Felder, Associate General Counsel, Office of the General Counsel, 474-3420, jfelder@uwf.edu

Facilitator/Presenter: Colleen Asmus, Associate Vice President, Financial Services, 474-2642, casmus@uwf.edu
18.001 Purchasing Regulation

(1) Authority of the Institutions. Each university Board of Trustees shall adopt regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services, as follows:

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

(b) Planning and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.

(c) Evaluating, approving, and utilizing contracts let by any State of Florida agency or department, the Federal Government, other states, political subdivisions, not-for-profit cooperatives or consortia, or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University, to make purchases under contracts let by such other entities. Universities shall review existing consortia and cooperative contracts to identify potential savings and, if there is the potential for savings, enter into new consortia and cooperative contracts to achieve the savings, with the goal of achieving a five-percent savings on existing contract prices.

(d) Awarding contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or State University System-wide basis and the contracts may be for multiple years.

(e) Rejecting or canceling any or all competitive solicitations when determined to be in the best interest of the University.

(f) Barring any vendor from doing business with the University for demonstrated cause, including previous unsatisfactory performance.

(g) Prohibiting University employees and University direct support organization employees participating on a procurement selection committee for commodities or services from soliciting donations from responding vendors during the selection process, except for donations or other benefits expressly stated in the procurement document.

(2) Competitive Solicitation Threshold. Each university Board of Trustees shall establish a competitive solicitation threshold not greater than $75,000 (the “Competitive Solicitation Threshold”) for the purchase of commodities or contractual services.

(a) When only one response is received to the competitive solicitation for commodities or contractual services that exceed the Competitive Solicitation Threshold, the University may 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 may proceed with the acquisition.

(b) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.
Preferences for Florida-Based Vendors.

(a) Preferences for Personal Property. When a University awards a contract to purchase personal property, other than printing, by competitive solicitation pursuant to paragraph (2) of this regulation, a preference shall be provided to vendors with a principal place of business in Florida (such vendors hereinafter referred to as “Resident Vendors”) as follows:

1. If the responsible and responsive vendor that submits the lowest bid, the most advantageous proposal, or the best value reply is one whose principal place of business is outside of Florida and is in a state or political subdivision thereof that grants a preference for the same purchase to a vendor in such state or political subdivision, as applicable, then the University shall grant the same preference to the responsible and responsive Resident Vendor with the lowest bid received pursuant to an Invitation to Bid, the most advantageous proposal received pursuant to a Request for Proposals, or the best value reply received pursuant to an Invitation to Negotiate.

2. With respect to Invitations to Bid, if the lowest responsible and responsive bid is from a vendor whose principal place of business is in a state that does not grant a preference for the purchase to a vendor in such state, then the University shall grant a preference in the amount of five percent (5%) to the lowest responsible and responsive Resident Vendor.

3. For vendors whose principal place of business is outside of Florida, such vendors must, at the time of submitting its bid, proposal or reply, provide a written opinion from a licensed attorney in its state specifying: (a) the preferences(s) granted by the state or political subdivision, as applicable, under the laws of that state to vendors whose principal place of business is in that state or political subdivision; and (b) how the preference is calculated. The failure to submit the written opinion may be waived as non-material if all vendors responding to the solicitation have principal places of business outside of Florida.

4. The vendor’s principal place of business, as represented by the vendor in its bid or reply, may be relied upon by the University without further inquiry. If the University determines that a vendor has misrepresented its principal place of business, the vendor’s bid, proposal or reply shall be rejected.

5. For the purpose of paragraph (3)(a), “personal property” shall be defined as goods and commodities, but not real estate, intellectual property or services.

(b) Preferences for Printing. When a University purchases printed materials by competitive solicitation pursuant to paragraph (2) of this regulation, a preference shall be provided Resident Vendors as follows:

1. If the lowest responsible and responsive bid received pursuant to an Invitation to Bid is from a vendor whose principal place of business is outside of Florida, then the University shall grant a preference to the lowest responsible and responsive Resident Vendor in the amount of five percent (5%) if the University has determined that the printing can be performed by the Resident Vendors at a level of quality comparable to that obtainable from the vendor submitting the lowest bid whose principal place of business is outside of Florida.
2. For purposes of subparagraph 3(b)(1), the level of quality shall be determined by whether a vendor satisfies the minimum specification requirements as set forth in the Invitation to Bid.

(c) Method of Calculating Five Percent Preference.
1. If the competitive solicitation is an Invitation to Bid, then an amount equal to five percent (5%) of the total base bid and any alternates shall be deducted from the base bid and alternates, as applicable, of the lowest responsible and responsive Resident Vendor’s bid.

(d) Determining a Vendor’s Principal Place of Business. A vendor’s “principal place of business” is determined as follows:
1. If the vendor is an individual or a sole proprietorship, then its “principal place of business” is in the state where the vendor’s primary residence is located.
2. If the vendor is a business organization, then its “principal place of business” is in the state where the majority of the vendor’s executive officers direct the management of the vendor’s business affairs.

(e) Federally Funded Projects. Purchases made to perform specific obligations under federally funded projects shall not be subject to this preference requirement to the extent the application of a preference is not allowed under applicable federal law or regulation.

(4) Exceptional Purchases. Each university is authorized to make exceptional purchases of commodities or contractual services as follows:
(a) Purchase of Products with Recycled Content. Each University may establish a program to encourage the purchase and use of products and materials with recycled content and postconsumer recovered material.
(b) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.
(c) Purchase of Insurance. Each University shall have the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University.
(d) Purchase of Printing. However, if a University determines that it is in the best interests of the University to purchase printed materials through a competitive solicitation process, the preference provision in paragraph (3)(b) shall apply.

(5) Purchases from Contractors Convicted of Public Entity Crimes. A University 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.

(6) Competitive Solicitation Exceptions. The following types of purchasing actions, and commodities and contractual services purchases are not subject to the competitive solicitation process:
(a) Emergency Purchases. When a university president or his/her designee determines, in writing, that the delay due to the competitive solicitation process is an immediate danger to the public health or safety or the welfare of the University, including
University tangible and/or intangible assets; or would otherwise cause significant injury or harm not in the best interest of the University, the University may proceed with the procurement of commodities or contractual services without a competitive solicitation.

(b) Sole Source Purchases. Commodities or contractual services available from a single source may be exempted from the competitive solicitation process.

(c) Purchases from Contracts 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 solicitation.

(d) The following listed commodities and services are not subject to competitive solicitation:
1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
6. 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, provided they 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;
7. 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;
8. 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;
9. Family placement services;
10. Training and education services;
11. Advertising;
12. Services or commodities provided by governmental agencies, another University in the State University System, direct support organizations of the university, political subdivisions or other independent colleges and universities;
13. Programs, conferences, workshops, continuing education events or other university programs that are offered to the general public for which fees are collected to pay all expenses associated with the event or program;
14. Purchases from firms or individuals that are prescribed by state or federal law, or specified by a granting agency;
15. Regulated utilities and government franchised services;
16. Regulated public communications, except long distance telecommunication services or facilities;
17. Extension of an existing contract;
18. Renewal of an existing contract if the terms of the contract specify renewal option(s);
19. Purchases from an Annual Certification List developed by each University;
20. Purchases for resale;
21. Accounting Services;
22. Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;
23. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; or
24. 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.

(7) Vendors Excluded from Competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, Invitations to Bid, Request for Proposals and/or Invitations to Negotiate shall be excluded from competing for such procurements.

(8) Standard of Conduct. It shall be a breach of ethical standards for any employee of a 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. It shall also be a breach of ethical standards for any potential contractor to offer an employee of a University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

Authority: Section 7(d) Art. IX, Fla. Const.; History—New 3-27-08; amended 3-28-13
UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED AMENDMENT TO REGULATION

REGULATION TITLE: UWF/REG-6.0055 Procurement Actions Not Subject to Competitive Solicitation Process.

SUMMARY: The proposed regulation amendment provides for the inclusion of the competitive solicitation exception found in BOG regulation 18.001(6)(12), allowing the University to utilize purchasing agreements made by other governmental entities and universities.

AUTHORITY: BOG Regulations 1.001 and 18.001.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:
Angela Jones, Procurement Director

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before May 23, 2014 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: May 8, 2014

THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”: May 8, 2014

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:
University of West Florida Regulation
UWF/REG-6.0055 Procurement Actions Not Subject to Competitive Solicitation Process.

Procurement 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 sole source exemption form will be publicly posted in accordance with Florida Board of Governor’s Regulation 18.002.

3. Purchases from contracts 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 solicitation when it is determined to be cost-effective and in the best interest of the University.

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.

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 accounting, auditing, and legal services;
   e. Health-care and related services under provisions of the Internal Revenue Code;
   f. Family placement services;
   g. Training and education services;
   h. Advertising;
   i. Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and universities;
   j. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
   k. Regulated utilities and government franchised services;
   l. Regulated public communications, except long distance telecommunication services or facilities;
   m. Extension or renewal of an existing contract;
   n. Purchases for resale;
   o. 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;
   p. Proprietary or copyrighted goods or services;
   q. 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;
   r. 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;
   s. Purchases from an Annual Certification List developed by the University.
   t. Any other goods or services exempted by Florida Board of Governors Regulation 18.001.

Authority BOG Regulation 18.001.
Issue: FY2015/2016–2019 Fixed Capital Outlay Plan

Proposed action: Approve

Background information:
The Board of Trustees approved the FY2014/2015-2018/2019 Amended Five Year Plan during the December, 2013 meeting. Project funding is obtained from the Public Education Capital Outlay (PECO) fund, revenues generated from taxed utilities. These projects are commensurate with the most recent Campus Master Plan, adopted by the Board June, 2012. Recommended changes to the Plan approved during the December, 2013 meeting are as follows:

- Proposed Laboratory Sciences Renovation changed to Priority No. 2 in lieu of Priority No. 5.
- Proposed Performance Science Center changed to Priority No. 5 in lieu of Priority No. 4.
- Proposed Natatorium Renovation, Ph. II of II changed to Priority No. 6 in lieu of Priority No. 8.
- Proposed College of Arts and Sciences Building 37 Renovation changed to Priority No. 7 in lieu of Priority No. 9.
- Proposed Educational Development Center Renovation changed to Priority No. 8 in lieu of Priority No. 10.
- Proposed Campus Drive Road Extensions and Modifications, Phase I of II and Phase II of II, changed to Priority No. 9 and 10, respectively, in lieu of Priority No. 6 and 7.
- Identified a “Confucius Institute” project, as Priority 17, and requesting $2,776,000. The proposed project will be connected to the International House, Building 71, within south campus.
- Project Title Change: “Science Collections Laboratory and Auditorium” in lieu of “Archaeology Auditorium and Curation Facility.”

The Board of Governors will compile the list from each of the State University System universities and present it to the Legislature and Governor, along with requests from community colleges and public schools. The Legislature then determines which projects are funded. This process is pursuant to Florida Statute 1013.64, and Sections 216.0158 and 216.043.

Recommendation: Approve

Implementation Plan: Submit to Chancellor’s Office August 1, 2014

Fiscal Implications: None


Prepared by: Dr. Jim Barnett, Associate Vice President, Facilities Development & Operations, Interim C.E.O, Business Enterprises, Inc., 474-2005, jbarnett@uwf.edu

Facilitator/Presenter: Dr. Susan Stephenson, Vice President, Business, Finance & Facilities, 474-2487, sstephenson@uwf.edu
### University of West Florida

**Fixed Capital Outlay Plan**

**Recommended to B.O.T. June, 2014**

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<td>Capital Renewal Infrastructure</td>
<td>4,000,000</td>
<td>4,000,000</td>
<td>4,840,000</td>
<td>5,500,000</td>
<td>5,600,000</td>
<td>23,960,000</td>
<td>Yes, Feb., 2012 Academic</td>
<td>n/a</td>
<td>23,960,000</td>
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<td>Laboratory Sciences Renovation</td>
<td>11,054,100</td>
<td>10,236,500</td>
<td>21,292,500</td>
<td>Yes, Feb., 2012 Academic</td>
<td>45,314</td>
<td>69,234</td>
<td>21,292,500</td>
<td>14,194,054</td>
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<td>3</td>
<td>Laboratory Sciences Annex, Phase I of II</td>
<td>2,942,000</td>
<td>Yes - See Note 1</td>
<td>21,938</td>
<td>37,295</td>
<td>0.66</td>
<td>Academic</td>
<td>4,348,263</td>
<td>18,819,500</td>
<td>344.50</td>
<td>594.06</td>
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<td>Laboratory Sciences Annex, Phase II of II</td>
<td>18,819,500</td>
<td>Yes - See Note 1</td>
<td>21,938</td>
<td>37,295</td>
<td>0.66</td>
<td>Academic</td>
<td>4,348,263</td>
<td>18,819,500</td>
<td>344.50</td>
<td>594.06</td>
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<td>5</td>
<td>Performance Science Center</td>
<td>2,807,750</td>
<td>2,134,000</td>
<td>26,947,750</td>
<td>Yes, Renovation Academic &amp; Student Acad</td>
<td>66,235</td>
<td>106,583</td>
<td>26,947,750</td>
<td>15,962,144</td>
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<td>Neumann Renovation, Phase II of II</td>
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<td>4,249,500</td>
<td>Yes, Feb., 2012 Student Acad</td>
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<td>College of Arts and Sciences Building 37 Renovation</td>
<td>3,322,500</td>
<td>3,322,500</td>
<td>Yes, Feb., 2012 Academic</td>
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<td>11,844</td>
<td>3,322,500</td>
<td>2,262,651</td>
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<td>Educational Development Center Building 37 Renovation</td>
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<td>2,068,000</td>
<td>11,911,000</td>
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<td>24,307</td>
<td>39,878</td>
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<td>7,351,467</td>
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<td>Campus Drive Road Extension and Modifications, Phase I of II</td>
<td>1,150,000</td>
<td>11,410,000</td>
<td>12,574,000</td>
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<td>n/a</td>
<td>12,574,000</td>
<td>6,132,000</td>
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<td>Campus Drive Road Extension and Modifications, Phase II of II</td>
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<td>1,228,000</td>
<td>1,267,000</td>
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<td>n/a</td>
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<td>820,000</td>
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<td>Science Collections Laboratory and Auditorium</td>
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<td>3,565,500</td>
<td>6,814,500</td>
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<td>9,509</td>
<td>15,575</td>
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<td>College of Professional Studies Education Building</td>
<td>1,781,000</td>
<td>22,074,000</td>
<td>23,855,000</td>
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<td>82,398</td>
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<td>23,855,000</td>
<td>18,253,219</td>
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<td><strong>Sub-Total</strong></td>
<td><strong>17,996,000</strong></td>
<td><strong>33,023,750</strong></td>
<td><strong>36,140,000</strong></td>
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<td><strong>200.00</strong></td>
<td><strong>381.94</strong></td>
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<td>Project Cost (GSF)</td>
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<td>Space Type's</td>
<td>Construction Per GSF</td>
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<td>13</td>
<td>Campus Security Facility</td>
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<td>Multi-Cultural Center - UWF Historic Trust</td>
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<td>Museum</td>
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<td>15</td>
<td>University Honors/Living Complex</td>
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<td>Classrms.; Offices</td>
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<td>16</td>
<td>University Union (Partial Funding from PECO)</td>
<td>TBD</td>
<td>TBD</td>
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<td>17</td>
<td>Confucius Institute</td>
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<td>2,776,000</td>
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<td>Classrms.</td>
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<td>Total</td>
<td>21,996,000</td>
<td>38,440,000</td>
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Note 1: Phase I of II includes Bldg 40 Utility Plant upgrades. Phase II of II includes utility infrastructure distribution.

Note 2: This project will fund the rehabilitation of the Physical Education Building. The Performance Center Soccer Complex was not Educational Plant Survey recommended in February, 2012. The University requests additional discussion for this SUS B.O.G. non-supported scope of work.

Note 3: This project requires additional internal planning. The design will have a center atrium providing primary entrance to two (2) separate connected wings. The housing auxiliary wing will be funded by non-state revenue.

The education/instructional wing is proposed to be funded from P.E.C.O. resources. Refer to the CIP-3 Short-Term Project Explanation Form.
UWF Board of Trustees Meeting
Finance and Facilities Committee
May 23, 2014

Issue: FY 2013-14 Operating Budget Summary

Proposed action: Informational

Background information:

The FY 2013-14 Operating Budget Summary provides a report at the end of the third quarter with budget-to-actual results for each fund group.

The Life-to-Date Capital Budget is on schedule with the current capital plan implementation. We received PECO Phase III of the College of Business for $8,400,000 for this fiscal year (13/14). Design services began in fall 2013 and construction is planned to begin in summer 2014. We received two CITF appropriations for this fiscal year (13/14). The East Athletic Tennis Courts Phase 1 is under design with construction planned to begin late fall 2014. Recreation Field Improvements is under construction and scheduled to be complete summer 2014.

Recommendation: N/A

Implementation Plan: N/A

Fiscal Implications: N/A

Supporting documents:

FY 2013-14 Operating Budget Summary, including the Life-to-Date Capital Budget (16 pages)
http://uwf.edu/trustees/May23_14/FY2013-14OBS.pdf

Prepared by: Ms. Valerie Z. Moneyham, Assistant Vice President, 474-2041, vmoneyha@uwf.edu

Facilitator/Presenter: Dr. Susan Stephenson, Vice President, Business, Finance & Facilities, 474-2487, sstephenson@uwf.edu