

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED NEW REGULATION

DATE: June 13, 2018

REGULATION CHAPTER NO.: Chapter 6

REGULATION CHAPTER TITLE: Purchasing Program

REGULATION TITLE AND NUMBER: Duties of the Purchasing Department (6.004)

SUMMARY OF REGULATION: This regulation is amended to: change references to “purchasing” to “procurement” and to change the title of the regulation from “Purchasing” to “Procurement” to encompass the broader range of activities that are regulated; and to update the University’s authority to extend and renew contracts in accordance with Board of Governors’ Regulations.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution; Board of Governors’ Regulation 1.001 and Chapter 18.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. Wanda Ford, Interim Vice President for Finance and Administration/CFO.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Archie L. Bouie II, M.Ed., CASP, Associate Vice President, Finance and Administration, 2400 Wahnish Way, Suite 100F, Tallahassee, Florida 32307-6400, (850)599-3203 (phone), (850) 561-2289 (fax), archie.bouie@famu.edu (email).

FULL TEXT OF THE PROPOSED REGULATION: The full text of this amended regulation follows:

Regulations of Florida A&M University



6.004 Duties of the ~~Purchasing Department~~Procurement Department.

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

(2) Remove any contractor from the University's competitive vendor list that fails to fulfill any of its duties specified in a contract with the University or governmental entity, ~~that fails to respond to two (2) or more invitations~~, that attempts to unlawfully influence an award or other pertinent factor, bankruptcy and that is charged or convicted before a court of competent jurisdiction with committing fraud, misdemeanor or felony in connection with the business' commercial enterprise and to reinstate any such contractor when satisfied that further instances of default will not occur. A "No Bid" submission or similar response is considered a response under this section.

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

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

(5) Evaluate contracts for commodities or services entered into by other governmental or educational entities (including the Federal Government, other state governments, political subdivisions, or any public or private university or educational cooperative or educational consortium) as a result of competitive solicitation. Approve the University's use of such contracts (in lieu of issuing a competitive solicitation) for the procurement of the same

commodities and services, when it is determined to be cost effective and in the best interest of the University to do so.

(6) Elect as an alternative to any protest to proceed with a solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be canceled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise.

(7) Award 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 ~~multiple~~-state university-wide basis and the contracts may be for multiple years.

(8) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.

(9) Right to Waive Minor Irregularities for Commodities/Contractual Services. The University shall reserve the right to waive minor irregularities in an otherwise valid response.

(10) In consultation with the University Controller, authorize the payment of deposits or advance payments for a commodity or contractual service when the University Controller and Director of ~~Purchasing-Procurement~~ determine that it is in the best interest of the University.

(11) Develop administrative ~~purchasing—procurement~~ policies and procedures in furtherance of this regulation.

(12) ~~Purchasing-Procurement~~ shall prepare, issue, revise, maintain and monitor the use of specifications for supplies, services and construction required by the University.

(13) Approve and execute contracts for goods, equipment and services to be rendered to the University as otherwise provided herein, provided such contracts are: for the implementation of approved programs of the University, in conformance with policies of the University Board of Trustees and compliant with applicable laws and regulations.

(14) Extend contracts entered into as a result of a competitive solicitation for up to twelve (12) months or until completion of the competitive solicitation and award or protest, whichever is longer.

(13)(15) Renew contract entered into as a result of a competitive solicitation for a period that may not exceed 5 years or twice the term of the original contract, whichever is

longer. This provision is not intended to apply retroactively; existing contracts entered into prior to January 1, 2017, including any specified renewal period(s) may continue in accordance with the existing contract terms.

Specific Authority- Board of Governors Regulation Development Procedure dated July 21, 2005; Law Implemented Article IX, Florida Constitution, Board of Governors Resolution Adopted January 7, 2003, History – New 12-07-06; Amended 8-25-08; Amended - -18.