

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED NEW REGULATION

Date: November 7, 2006

REGULATION CHAPTER TITLE: Purchasing Program **REGULATION CHAPTER NO.:** Chapter 6

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

SUMMARY OF REGULATION: The Regulation outlines the duties the Purchasing Department is to perform on behalf of the University, which include but are not limited to: canvassing sources of supply for purchasing commodities and contracting for services; planning and coordinating purchases in volume and negotiating and executing agreements for commodities and contractual services under which the University may make purchases; developing an Annual Certification List for single source commodities or services frequently purchased; evaluating contracts for commodities or services entered into by other governmental or educational entities as a result of competitive solicitation and approve the University's use of such contracts (in lieu of issuing a competitive solicitation) for the procurement of the same commodities and services; preparing, issuing, revising, maintaining and monitoring the use of specifications for supplies, services and construction required by the University; when determined to be in the best interest of the University: award contracts for commodities and contractual services to multiple suppliers, reject or cancel any or all competitive solicitations, waive minor irregularities in an otherwise valid response; authorize the payment of deposits or advance payments for a commodity or contractual service in consultation with the University Controller; and develop purchasing policies in furtherance of this Regulation.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution, Board of Governors Regulation Development Procedure dated July 21, 2005, Sections 120.57(3), 1001.74(4), (5), 1001.75(5) and 1010.04, Florida Statutes.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. Grace Ali, Vice President for Fiscal Affairs.

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: Shira R. Thomas, Office of the General Counsel, Suite 300 Lee Hall, Tallahassee, Florida 32307, (850) 599-3591 (phone), (850) 561-2862 (fax), regulations@famu.edu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of the proposed amended regulation is follows:

Regulations of Florida A&M University



6.004 Duties of the Purchasing 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's 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 provision in s. 120.57 (3) (c), F.S., 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 determines that it is in the best interest of the University.
- (11) Develop purchasing policies in furtherance of this regulation.
- (12) Purchasing 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.

Specific Authority 1001.74(4), F.S. Law Implemented 120.57(3), 1001.74(5), 1001.75(5), F.S. History – New 12-07-06, Amended _____.