

CHAPTER 6C-17 PROCEDURES FOR ADMINISTRATION OF DELEGATED AUTHORITY FOR LEASING PROGRAM

6C-17.001	Purpose. (Repealed)
6C-17.002	Definitions. (Repealed)
6C-17.003	Approval.
6C-17.004	Standard Lease Agreement Form.
6C-17.005	Escalation Clauses Prohibited. (Repealed)
6C-17.006	Right-to-Terminate Clause Required. (Repealed)
6C-17.007	Renewal of Leases. (Transferred to 6C-17.004)
6C-17.008	Fire Code Compliance in Leased Space. (Repealed)
6C-17.009	Leases of 3,000 Square Feet or More.
6C-17.010	Legal Review.
6C-17.011	Certification of Compliance for Leases of Less Than 3,000 Square Feet.
6C-17.012	Space Measurement.
6C-17.013	Space Allocation.
6C-17.014	Rental Rates.
6C-17.015	Exception to Competitive Bidding. (Repealed)
6C-17.016	Nominal or No Consideration Leases.
6C-17.017	Special Facilities for the Physically Disabled - Leased Space.

6C-17.003 Approval.

The Chancellor or Chancellor's designee shall approve the need to lease space before a building or any part of a building is leased. Prior approval is not required for leases of less than 120 consecutive days and those for nominal or no consideration.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.25 FS. History—New 12-30-79, Amended 8-11-85, Formerly 6C-17.03, Amended 6-5-96.

6C-17.004 Standard Lease Agreement Form.

(1) The Board of Regents Standard Lease Agreement form (incorporated herein by reference) shall be used to execute a lease for any space.

(2) A lease may contain an option to renew.

Specific Authority 240.209(1), (3)(p), (r), 255 FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(3) FS. History—New 12-30-79, Amended 8-11-85, Formerly 6C-17.04, Amended 6-5-96.

6C-17.009 Leases of 3,000 Square Feet or More.

(1) The Board Office shall not enter into a lease for 3,000 square feet or more of space in a privately owned building, within any 12 month period, except upon advertisement for and receipt of competitive bids. The award shall be made to the lowest responsive bidder meeting specifications and shall include the terms and conditions of the bid as submitted.

(a) Exceptions to Competitive Bid Requirements:

1. Competitive bids shall not be required for renewal of leases.

2. Competitive bids shall not be required for any lease having a term of less than 120 consecutive days which is for the purpose of securing a one-time special use of the leased property.

3. Competitive bids shall not be required for any lease which is for nominal or no consideration.

4. Competitive bids shall not be required to extend an existing lease of 3,000 square feet or more space, if the extension is determined to be in the best interest of the State and the total of the extension does not exceed 11 months.

(2) Negotiations following a bid shall not include the authority to alter or amend its provisions.

(3) The Board Office shall not enter into a lease agreement for space of 3,000 square feet or more in a privately owned building when suitable space is available in a state-owned building or publicly owned building located in the same geographic region unless the Chancellor or the Chancellor's designee determines that the space is required in order to fulfill the Board's statutory duties.

(4) Public Notice

(a) The Board Office shall give public notice of its need for space in excess of 3,000 square feet.

(b) Public notice shall include, at least, the following:

1. Approximate square footage;

2. General location;

3. Availability date;

4. Board Office contact person and address for specifications; and

5. Public opening date.

(5) Specifications

(a) Specifications shall be written in general terms. They shall not be written to benefit any specific location or lessor.

(b) Specifications shall include, at least, the following:

1. Approximate square footage measured in accordance with the State University System Standard Method of Space Measurement;

2. An approximate floor plan, outlining special and other physical requirements;

3. General location;

4. Availability date;

5. Terms and conditions of lease agreement; and

6. Services required.

(c) Specifications shall require the prospective lessor to:

1. Contract using the Board Office Standard Lease Agreement form;

2. Provide a scaled floor plan of available rental space;

3. Comply with Chapter 60D-1, Florida Administrative Code, Standards for Special Facilities for Physically Disabled;

4. Be an Equal Opportunity Employer;

5. Provide Full Disclosure Statements of Ownership;

6. Guarantee the bid proposal for a minimum of thirty (30) days following the public opening date; and

7. Propose a rental rate per square foot per year, including renovation and other special requirements, at the time of initial occupancy.

(6) Proposals

(a) The prospective lessor's bids or proposals may exceed the published specifications.

(b) Each bid on a proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, handwritten or typewritten beside the actual signature(s). If the bid on a proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(7) Evaluation

The Board Office shall evaluate all bids and proposals, on the basis of published criteria. The Board Office shall reserve the right to accept or reject any or all bids or proposals and shall give notice of results.

(8) Ownership Disclosure Statements

(a) The Board Office shall require a full disclosure statement from the prospective lessor in accordance with the provisions of Section 255.249(2)(h) and (i), Florida Statutes.

(b) Each transaction pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a lessor's affidavit that the previous Disclosure Statement is still valid.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(2)(b), (h), (i), 255.25(3) FS. History—New 12-30-79, Amended 8-11-85, Formerly 6C-17.09, Amended 6-5-96.

6C-17.010 Legal Review.

The Board's General Counsel shall review all leases.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p) FS. History — New 12-30-79, Amended 8-11-85, Formerly 6C-17.10, Repealed 6-5-96.

6C-17.011 Certification of Compliance for Leases of Less Than 3,000 Square Feet.

The Chancellor shall certify that any lease of space for less than 3,000 square feet is in compliance with all leasing criteria provided by Chapter 255, Florida Statutes.

Specific Authority 240.209(1), (3)(p), (r), 240.225 FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(2)(k), (3) FS. History—New 12-30-79, Amended 8-11-85, Formerly 6C-17.11, Amended 6-5-96.

6C-17.012 Space Measurement.

The measurement of space shall be based on the method of measurement used by the State University System for gross square feet as described in the Physical Facilities Space File, 1996/97. A copy of this document is incorporated in this rule by reference.

Specific Authority 240.209(1), (3)(p), (r), 240.225 FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(2)(c) FS. History—New 12-30-79, Amended 5-19-80, 8-11-85, Formerly 6C-17.12, Amended 6-5-96.

6C-17.013 Space Allocation.

The allocation of space shall be consistent with generated need based on the State University System of Florida Fixed Capital Outlay Space Needs Generation Formula, May, 1995, and shall be in accordance with Chapter 6A-2, Florida Administrative Code. A copy of this document is incorporated in this rule by reference.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(2)(d) FS. History—New 12-30-79, Amended 5-19-80, 8-11-85, Formerly 6C-17.13, Amended 6-5-96.

6C-17.014 Rental Rates.

The Board Office shall use the state established rates for leased space, unless special circumstances dictate otherwise.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(2)(g) FS. History—New 12-30-79, Amended 5-19-80, 8-11-85, Formerly 6C-17.14, Amended 6-5-96.

6C-17.016 Nominal or No Consideration Leases.

Leases for nominal or no consideration shall be reported to the Chancellor annually.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.205(6), 240.209(1), (3)(p), 255.249(2)(j) FS. History—New 12-30-79, Amended 8-11-85, Formerly 6C-17.16, Repromulgated 6-5-96.

6C-17.017 Special Facilities for the Physically Disabled - Leased Space.

(1) Compliance with Standards. The Board Office shall insure that any space it leases complies with the standards of the Department of Management Services as found in Chapter 553, part V, Florida Statutes.

(2) Standards Waived or Modified. The Chancellor shall establish a committee to determine whether to seek modifications or a waiver of the standards as found in Chapter 553, part V, Florida Statutes.

Specific Authority 240.209(1), (3)(p), (r) FS. Law Implemented 240.209(1), (3)(p), 255.21, 553, Part V FS. History—New 9-25-80, Amended 8-11-85, Formerly 6C-17.17, Amended 6-5-96.