

**FLORIDA BOARD OF GOVERNORS  
NOTICE OF PROPOSED REPEALED REGULATION**

**DATE:** June 23, 2023

**REGULATION NUMBER AND TITLE:** 14.021, Procedures for Construction Contract Bidding and Award

**SUMMARY:**

Regulation 14.021, Procedures for Construction Contract Bidding and Award is proposed for repeal, as it is redundant and unnecessary. The provisions therein are addressed elsewhere in Regulations 14.004 (Public Announcement Requirements) and 14.005(2) (Competitive Selection and Negotiation), as proposed for amendment, as well as new Regulation 14.006 (Educational Facilities Contracting and Construction Techniques).

**FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.**

**AUTHORITY TO PROPOSE REGULATION(S):** Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

**THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION:** Kevin Pichard, Director, Finance and Facilities

**COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 200 W. College Avenue, Suite 216, Tallahassee, Florida 32301, (850) 245-0466 (phone), (850) 245-9685 (fax), or [generalcounsel@flbog.edu](mailto:generalcounsel@flbog.edu).

#### ~~14.021 Procedures for Construction Contract Bidding and Award~~

~~(1) The president shall be responsible for the advertisement of all projects. All announcements will include information necessary for firms to submit a bid proposal on the project.~~

~~(2) In order to be eligible to submit a bid proposal, a firm must, at the time of receipt of bids:~~

- ~~(a) Hold the required applicable state contractor license in good standing where the project falls within the provisions of Chapter 489, Florida Statutes;~~
- ~~(b) Hold a current and active Florida corporate charter in accordance with Chapter 607, Florida Statutes, if the bidder is a corporation. If the bidder is an out-of-state corporation, it must hold a current and active foreign qualification authorization to do business in the State of Florida;~~
- ~~(c) Not be disqualified at the time of bid submittal through disqualification procedures described in Regulation 14.022;~~
- ~~(d) Meet any special prequalification requirements set forth in the bid documents; and;~~
- ~~(e) Not have been convicted of a public entity crime within 36 months prior to the date for receipt of bids.~~

~~(3) The lowest responsible and responsive bidder, as determined by the university, must submit the following items within seven calendar days following the bid opening date:~~

- ~~(a) Proof of compliance with subsection Regulation 14.021(2);~~
- ~~(b) Proof of insurance in effect which equals or exceeds the limits required by the project specifications;~~
- ~~(c) A Letter of Intent from a surety company which meets the standards set forth in the project specifications and is authorized to do business in the State of Florida; and;~~
- ~~(d) Proof of compliance with any special requirements which are set forth in the bid documents, and which were not required to be submitted with the bid proposal.~~

~~(4) Any items so required by the project specifications shall be submitted with the bid proposal.~~

~~(5) Projects will be publicly bid in accordance with the provisions in the bid documents. Except for informalities which may be waived by the president, a bid which is incomplete or not in conformance with the requirements of the bid documents shall be determined to be non-responsive and shall be rejected. Award of contract will be made to the firm determined to be responsive and qualified in accordance with the bid documents which submits the lowest priced proposal for the work except that if it is in the best interest of the State, any bids may be rejected, or all bids may be rejected and the project may be bid again.~~

~~(6) The president may waive the requirements of Regulation 14.021, and permit negotiation of the construction contract with a qualified firm in documented cases of valid public emergencies.~~

~~(7) When determined to be in the best interest of the university and reduction in the~~

~~price of the lowest responsible and responsive bidder is necessary to provide for an award of a construction contract within the construction budget, the president may negotiate the construction contract or modification of the contract, including the specifications, with that bidder. Negotiations may be terminated and all bids may be rejected at any point in the negotiation process. The award of a negotiated contract will be made by the president.~~

~~Authority: Section 7(d), Art. IX, Fla. Const., History Formerly 6C 14.021, 12-30-79, Amended 5-25-81, 8-11-85, 4-8-86, 1-24-89, 4-10-90, 6-5-96, 1-13-99, Amended and Renumbered, 3-27-08., Repealed xx-xx-23.~~