

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NOTICE OF PROPOSED REPEALED REGULATION**

DATE: June 23, 2023

REGULATION NUMBER AND TITLE: 14.022, Disqualification Procedures

SUMMARY:

Regulation 14.022, Disqualification Procedures is proposed for repeal, as it is comprised of two provisions, neither of which will be necessary in light of the new Regulation 14.006 (Educational Facilities Contracting and Construction Techniques), as proposed for adoption, and Regulation 14.005 (Competitive Selection and Negotiation), as proposed for amendment. Ultimately, the two provisions in regulation 14.022 will be governed by the procurement procedures as prescribed by the universities' boards of trustees.

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.

~~14.022 Disqualification Procedures~~

~~(1) The president will review the performance of each construction firm under contract. The president or designee will record poor or inadequate performances, deficient management resulting in project delay, and/or poor quality workmanship. The president will review all circumstances surrounding instances of poor performance and the quality of workmanship and may initiate disqualification proceedings for any firm determined to be deficient.~~

~~(2) The president shall notify the firm under review and give it an opportunity to submit written evidence. As deemed appropriate, the president may convene a disqualification committee. If the president finds probable cause to warrant disqualification, the president shall so notify the contractor in writing. The notification shall set forth specifically the grounds for disqualification and the contractor's right to request a quasi-judicial hearing. The firm may, within fourteen (14) days of receipt of notification of disqualification, file a written request for hearing. If such a request is not timely filed, the president will make a final ruling on the matter in its original form. If a request for hearing is made, the matter will be handled in accordance with university procedures for a quasi-judicial hearing.~~

~~Authority: Section 7(d), Art. IX, Fla. Const., History Formerly 6C-14.022, 5-25-81, Amended 8-11-85, 4-8-86, 1-24-89, 1-13-99, Amended and Renumbered as 14.022, 3-27-08., Repealed xx-xx-23.~~