

**FLORIDA BOARD OF GOVERNORS  
NOTICE OF APPROVED REGULATION AND AMENDMENTS**

Date: February 6, 2008

**REGULATION TITLES AND NUMBERS:** 18.040 Purchasing Authority of the Institutions

**SUMMARY:** Repealed

**FULL TEXT OF THE REGULATION:** The full text of the proposed amended regulation is posted on BOG's Website at [www.flbog.org](http://www.flbog.org). The full text of the existing regulation is posted on BOG's Website at [www.flbog.org/BOG\\_regs](http://www.flbog.org/BOG_regs). In addition, the full text of the regulation is available upon request to the Office of the Chancellor, which can be contacted at (850) 245-0466.

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

**BOARD OF GOVERNORS' OFFICIAL INITIATING ADOPTION/ AMENDMENT/ REPEAL OF REGULATIONS:**

Chris Kinsley, Director, Finance and Facilities

**COMMENTS REGARDING ADOPTION/ AMENDMENT/ REPEAL OF REGULATIONS SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation(s) on which you are commenting.

**THE PERSON TO BE CONTACTED REGARDING ADOPTION/ AMENDMENT/ REPEAL OF REGULATION IS:** Vikki R. Shirley, General Counsel, Board of Governors, State University System 325 W. Gaines Street, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), [generalcounsel@flbog.org](mailto:generalcounsel@flbog.org).

## Repealed

### 6C-18.040 Purchasing Authority of the Institutions.

~~The Chancellor and each university president shall establish a system of coordinated, uniform procurement policies, procedures, and practices to be used in acquiring commodities and contractual services, as follows:~~

~~(1) Developing purchasing procedures in furtherance of this rule. The purchasing procedures may be developed and published as Institutional administrative procedures or rules consistent with Chapter 120, F.S.~~

~~(2) Canvassing sources of supply and contracting for the purchase or lease of all commodities and contractual services for the Institution, 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.~~

~~(3) Removing any contractor from the Institution's competitive vendor list that fails to fulfill any of its duties specified in a contract with the Institution(s) and to reinstate any such contractor when satisfied that further instances of default will not occur.~~

~~(4) Planning and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the Institution may make purchases.~~

~~(5) Developing an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/ services that are frequently purchased and are available from a single source.~~

~~(6) Evaluating and approving contracts let by the Federal Government, other states, political subdivisions, not for profit cooperatives or consortiums, or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the Institution, to make purchases under contracts let by such other entities.~~

~~(7) Electing as an alternative to any provision in s. 120.57(3)(c), F.S., to proceed with a bid 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 Institution. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the Institution did not prevail, the contract may be canceled and rewarded to the prevailing party.~~

~~(8) Awarding contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the Institution. Such awards may be on an Institutional, regional or State University System-wide basis and the contracts may be for multiple years.~~

~~(9) Rejecting or canceling any or all competitive solicitations when~~

determined to be in the best interest of the Institution.

~~(10) Barring any vendor from doing business with the Institution for demonstrated cause, including previous unsatisfactory performance.~~

~~(10) Delegating any and all of the above authority, powers and duties to the appropriate employee within the Institution.~~

*Specific Authority 240.209(1), (3)(r) FS. Law Implemented 120, 240.205(6), 240.227(12)  
FS. History New 1 13-99.*