

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

Date: February 6, 2008

**REGULATION TITLES AND NUMBERS:** 18.050 Purchase of Commodities or Contractual Services

**SUMMARY:** Repealed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## Repealed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-18.050 Purchase of Commodities or Contractual Services.

~~(1) Purchase of Products with Recycled Content. Each Institution may establish a program to encourage the purchase and use of products and materials with recycled content and postconsumer recovered material.~~

~~(2) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the Institution.~~

~~(3) Purchase of Insurance. Each Institution shall have the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the Institution. Examples of insurance coverages that may be acquired by the Institution include:~~

~~(a) Physical damage on vehicles and boats;~~

~~(b) Inland marine on property owned, leased, or loaned to or by the Institution;~~

~~(c) Building and property damage;~~

~~(d) Equipment losses due to theft;~~

~~(e) Equipment subject to transportation;~~

~~(f) Loss of rental income;~~

~~(g) Commercial general liability insurance for scientific equipment;~~

~~(h) Excess general liability coverage;~~

~~(i) Camps insurance.~~

~~All insurance purchased for property damage shall have a minimum of a \$1,000 deductible.~~

~~(4) Purchase of Printing. Printing shall be purchased in accordance with Chapter 283, F.S.~~

~~(5) Purchases from Minority Business Enterprises.~~

~~(a) Each Institution shall establish procedures to encourage and promote the use of minority business enterprises. The procedures may include: developing an outreach program to increase minority business enterprise participation in contracting; reserving contracts for competitive solicitation only among minority business enterprises; establishing monetary goals based on prior year expenditures by percentages, percentage ranges, geographic location, the university's mission, or any other reasonable method; developing an annual utilization plan; developing a system to record statistical data on monetary transactions with state-certified and non-state-certified minority business enterprises; reporting statistical data on expenditures with certified minority business enterprises to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives on or before February 1 of each year. The development of a minority business enterprise program shall be based on the recommendations in the most recent disparity study.~~

~~(b) Certification of minority business enterprises may be by state or local~~



governmental entities. For those minority business enterprises certified by local governmental entities, the Institutions will be responsible for reviewing the certification process for assurance of minority status.

~~(6) Purchases from Contractors Convicted of Public Entity Crimes. An Institution shall not accept a competitive solicitation from or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date of being added to the convicted vendor list.~~

~~(7) Purchasing actions that are not subject to the competitive solicitation process include:~~

~~(a) Emergency Purchases. When the Chancellor, a university president or his/her designee determines, in writing, that the delay due to the competitive solicitation process is an immediate danger to the public health or safety or the welfare of the Institution, the Institution may proceed with the procurement of commodities or contractual services without a competitive solicitation.~~

~~(b) Sole Source Purchases. Commodities or contractual services available from a single source may be exempted from the competitive solicitation process.~~

~~(c) Purchases from Contracts and Negotiated Annual Price Agreements established by the State of Florida, other governmental entities, other Institutions in the State University System, or other independent colleges and universities are not subject to further competitive solicitation.~~

~~(8) Commodities and contractual services that are not subject to the competitive solicitation process include:~~

~~(a) Artistic services;~~

~~(b) Academic reviews;~~

~~(c) Lectures;~~

~~(d) Auditing services;~~

~~(e) Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;~~

~~(f) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;~~

~~(g) Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;~~

~~(h) Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This~~



~~exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;~~

~~(i) Family placement services;~~

~~(j) Training and education services;~~

~~(k) Advertising;~~

~~(l) Services or commodities provided by governmental agencies, another Institution in the State University System, direct support organizations of the university or other independent colleges and universities;~~

~~(m) Continuing education events or programs that are offered to the general public for which fees have been collected to pay all expenses associated with the event or program;~~

~~(n) Purchases from firms or individuals that are prescribed by state or federal law;~~

~~(o) Regulated utilities and government franchised services;~~

~~(p) Regulated public communications, except long distance telecommunication services or facilities;~~

~~(q) Extension of an existing contract;~~

~~(r) Renewal of an existing contract if the terms of the contract specify renewal option(s);~~

~~(s) Purchases from the Annual Certification List developed by each Institution;~~

~~(t) Purchases for resale.~~

~~-Accounting Services~~

~~(u) Contracts or services provided by not for profit support and affiliate organizations of the Institution, direct support organizations, health support organizations and faculty practice plans~~

~~(v) Implementation/programming/training services available from owner of copyrighted software or its contracted vendor~~

~~(9) Participants in Contract Awards Not Subject to Competitive Solicitations.:~~

~~(a) No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract with the respective Institution dealing with the specific subject matter.~~

~~(b) The individuals taking part in the development or selection of criteria for evaluation, the evaluation process and the contract award in any purchase shall be independent of, and have no conflict of interest in, the entities evaluated and selected and may be required to so attest in writing.~~

*Specific Authority 240.209(1), (3)(r) FS. Law Implemented 240.205(6), 240.227(12), 283 FS. History New 1-13-99.*