

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

DATE: November 6, 2020

REGULATION NUMBER AND TITLE: 14.004, **Public Announcement Requirements**

SUMMARY: In the 2020 Legislative session, House Bill 441 modified Section 255.103, F.S., Public Procurement of Services, increasing the maximum limits for continuing contracts for professional services. Specifically, it increased the per-project construction cost from \$2 million to \$4 million, and for study activities, the fee from \$200,000 to \$500,000. Board Regulation 14.004 is being amended to incorporate these changes.

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 & 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, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu

14.004 Public Announcement Requirements

(1) The university shall publicly announce, in a uniform and consistent manner, each occasion when the following professional services, construction management services or design-build services are required:

- a) Professional services for a project, with estimated construction costs exceeding \$250,000. However, a university may use a continuing contract, or one of the other procurement methods provided in this regulation;
- b) Continuing contracts for professional services, or continuing contracts for construction management service. There is no limit on the total value of the continuing contact, but no single project, as specified in the contract, may exceed ~~\$2,000,000~~ \$4,000,000;
- c) Professional services for development of design criteria for design-build projects. (The firm selected to develop the design criteria package shall not be eligible to render services under the Design-Build Contract);
- d) Construction management services; however, a university may use a continuing contract, or one of the other procurement methods provided in this regulation;
- e) Design-build services.
- f) Professional services for planning or study activity when the fee will exceed \$50,000. However, a university may use a continuing contract for this activity;
- g) Continuing contracts for professional services for planning or study activity. There is no limit on the total value of the continuing contact, but no single study or plan, as specified in the contract, may exceed ~~\$200,000~~ \$500,000.

(2) The announcement shall provide a general description of the project(s) and the selection process.

(3) No public announcement is required if university personnel are performing these services instead of an external party.

Authority: Section 7(d), Art. IX, Fla. Const., History—Formerly 6C-14.004, 12-30-79, Amended 8-11-85, 1-24-89, 10-17-89, 1-13-99, Amended and Renumbered as 14.004, 3-27-08, Amended 9-24-09, Amended_____.