

**THE UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED AMENDMENT TO REGULATION**

DATE: July 20, 2023

REGULATION TITLE AND NUMBER: 6.0054, Competitive Solicitation Requirements

PURPOSE AND EFFECT: The purpose of this amendment is to align with anticipated revisions to BOG Reg. Chapter 14, Construction Program, and BOG Reg. 18.001, Procurement Regulation.

SUMMARY: The proposed amendment to this regulation is as follows:

- Increases the threshold for purchases requiring solicitation from \$75,000 to \$150,000
- Clarifies the process for the receipt of competitive solicitation responses
- Clarifies language concerning preference for Florida-based vendors, public notice, confidentiality, and extension (mathematical) errors
- Other minor formatting and grammatical edits

AUTHORITY TO AMEND THE REGULATION: §§ 1010.04, 1001.706, and 287.057, Florida Statutes; BOG Regulations 14.008, Competitive Selection and Negotiation, 18.001, Procurement Regulation, and 18.002, Notice and Protest Procedures for Protest Related to a University's Contract Procurement Process

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Betsy Bowers, Vice President of Finance and Administration

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED AMENDMENT TO THE REGULATION OR CHALLENGE: Jessica Whittle, Paralegal, Office of the General Counsel at jwhittle@uwf.edu or 850-474-3420 or Office of the General Counsel, Building 10, 11000 University Parkway, Pensacola, Florida 32514.

THE FULL TEXT OF THE REGULATION: The full text of the proposed amendment to the regulation is attached below this Notice. The full text of the proposed amendment and existing regulation is also posted on UWF's website: <https://uwf.edu/offices/board-of-trustees/regulations/>



Number: UWF/REG-6.0054
Title: Competitive Solicitation Requirements
Responsible
Department: Procurement and Contracts

I. General Statement:

Florida law and Board of Governors (“BOG”) regulations require state universities to engage in competitive solicitation for obtaining goods and services under certain circumstances. This University of West Florida (“University”) regulation provides additional requirements for competitive solicitations.

II. Competitive Solicitation Requirements

A. Threshold

All contracts for the purchase of commodities or contractual services ~~exceeding not greater than \$75,000~~150,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized herein. Beginning in January 2024, the competitive solicitation threshold will be reviewed by the BOG every three years using the Consumer Price Index for All Urban Consumers (CPI-U) to determine if an adjustment should be recommended to the threshold.

~~1.~~—When only one response is received to a competitive solicitation for commodities or contractual services exceeding the threshold amount defined in section (A) above, the University ~~will~~may review the solicitation response and circumstances surrounding the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not be in the best interest of the University, the University will proceed with the acquisition.

1.

2. The purchase of commodities and contractual services shall not be divided with the intent to avoid the requirement of a competitive solicitation.

~~B.~~Receipt of Responses

B.

Competitive solicitation responses shall be delivered as directed in the competitive solicitation to the Procurement and Contracts Office (unless otherwise directed) at or prior to the date and time specified in the competitive solicitation. Responses that are not delivered to the specified location by the deadline shall not be considered.

C. Preference for Florida-Based Vendors

When multiple responses are received to a competitive solicitation pursuant to section II.(A), above, for personal property or printing, the University shall provide a preference to responses from vendors with a principal place of business in Florida as set forth in Board of Governors' Regulation BOG Reg. 18.001(3), Procurement Regulation. Printing is not subject to Chapter 283, Fla. Stat.

~~C. The purchase of commodities and contractual services shall not be divided with the intent to avoid the requirement of competitive solicitation.~~

D. Advertisement – Public Notice

The notice of intent to award shall be ~~publicly~~electronically posted to the public by the Procurement and Contracts Office in accordance with ~~Florida Board of Governor's Regulation BOG Reg. 18.001(3),~~ Notice and Protest Procedures for Protests Related to a University's Contract Procurement Process.

E. Confidentiality

Responses to competitive solicitations shall remain confidential until such time as the University has provided a notice of intent to award or until 30 days after opening the bid, proposal, or reply, whichever is earlier, in accordance with ~~Chapter Section 119.071(1)(b), Fla. Stat.F.S.~~

F. Extension Errors

As a general rule, in the case of extension (mathematical) errors in a bid response or proposal, the unit price will prevail. However, the University reserves the right to disqualify bid responses for lack of clarity.

~~D.G.~~ _____ Modifications to a bBid or pProposal rResponse

A bidder or respondent may amend its bid or proposal, including revocation, in writing up until the due date and time of responses.

~~E.H.~~ _____ Withdrawal of a bBid or pProposal rResponse

A bidder or respondent may revoke its bid or proposal in writing up until the due date and time of responses.

F.I. Withdrawal of asSolicitation by bBidders aAfter eOOpening

Should a bidder withdraw its bid after the bid opening, the University reserves the right to collect on the vendor or contractor's bid bond.

J. Rejection or Cancellation

The University has the authority to reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.

G.K. Protest pProcedures

Protests arising from all University contract procurement processes for the purchase of goods, and services, leases, and ~~for~~ construction-related competitive solicitations shall be handled in accordance with BOG Regulation, 18.002, Procurement Regulation.

Effective Date: [date]

Authority: § 1010.04(4), Fla. Stat.
§ 1001.706, Fla. Stat.
§ 287.057, Fla. Stat.
BOG Regulation 14.008, Competitive Selection and Negotiation
BOG Regulation 18.001, Procurement Regulation
BOG Regulation 18.002, Notice and Protest Procedures for Protest Related to a University's Contract Procurement Process

History: Adopted as Rule 6C6-6.0054 July 2003; Converted to UWF/REG 6.0054 July 2005; Amended January 2007, December 2008, March 2010, December 2010, June 2014, March 2015, and [date]

Last review: [date]