

FLORIDA ATLANTIC UNIVERSITY  
NOTICE OF PROPOSED REGULATION AMENDMENT

Date: January 28, 2014

REGULATION TITLE AND NUMBER: Purchasing (6.008).

SUMMARY: The proposed revisions to FAU Regulation 6.008 are in compliance with amendments to Board of Governors (BOG) Regulations 14.023, 18.001, and 18.002 regarding preferences for Florida-Based Vendors; bid protest procedures for all contract procurement processes, including the purchase of goods, services, leases for construction-related competitive solicitations, and other minor revisions and updates.

FULL TEXT OF THE REGULATION AND AMENDMENT: The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at [www.fau.edu/regulations](http://www.fau.edu/regulations). In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-0707 or [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT: Dorothy Russell, Interim Senior Vice President for Financial Affairs

PROPOSED REGULATION

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT

# Florida Atlantic University

## Regulation 6.008 Purchasing

### (1) Definitions

(a) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, fashion design, motion pictures, television, radio or tape and recording or in any other related field.

(b) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, purchased or otherwise contracted for by the University. Commodity also includes interest on deferred payment contracts entered into by the University for the purchase of other commodities.

~~(+)~~(j) Invitation to Negotiate -An invitation extended to prospective contractors, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. An invitation to negotiate may be used when negotiations are beneficial to achieve the best outcome for the University.

~~(+)~~(k) Public Entity Crime -A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.

~~(+)~~(l) Purchase An acquisition of commodities, services or licenses obtained by purchase order, contract or other authorized purchasing method, whether by rent, lease, installment, lease purchase or outright purchase.

~~(+)~~(m) Purchases for Resale The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

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conducive to the University environment on the part of the Vendor agents and bar vendors

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avoid the requirement of competitive solicitation.

4. In the event that no quotes, bids, proposals, or responses to Invitations to Negotiate are received in response to a competitive solicitation, the University shall negotiate the purchase at the best possible price.
5. When only one response is received to a competitive solicitation for commodities or contractual services exceeding \$75,000, the Purchasing Department shall review the solicitation response to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined by the Purchasing Department that a second call would not serve a useful purpose, the University will proceed with the acquisition.
6. When multiple responses ~~that are equal in all respects~~ are received to a

and annual price agreements established by  
other states, political subdivisions or entities,  
corporations or educational institutions are not

program (Owner/Contractor Program).  
for public work (as that term is defined in  
purchased by the University in accordance  
with a direct purchase program, are not  
included.

that are not subject to the competitive

legal, expert witness, appraisal, arbitrator  
from the Attorney General is not required  
by the University;

for, diagnosis, treatment, prevention,  
and repair. Prescriptive assistive devices for  
rehabilitation including, but not limited to  
provided the devices are purchased on  
or by a method that ensures the best  
interest of the client;

for or physical disabilities by non-  
provisions of s. 501(c)(3) of the Internal  
Revenue Code by the provisions of the Office of

17. Extension of an existing contract;  
18.

services being rendered by the contractor.

(b) Any contract for the purchase of services or tangible personal property for a



University direct support organization employees participating on a procurement selection committee [REDACTED] during procurement

~~recommended order to the President. The President shall then issue a preliminary order for final action and notify the petitioner of such order. The preliminary order of the President shall be final, unless the petitioner takes exception to such order; in which event, it may file with the President such exceptions within twenty-one (21) days of receipt of notice of the preliminary order. At the end of the period for filing exceptions, the President will review the preliminary order and any exceptions that have been filed, and will render the final order. The decision of the President is final. Appellate review of the final order shall be in accordance with the requirements of Rule 9.190(b)(3), Florida Rules of Appellate Procedure.~~

