REGULATION

✓USF System ☐USF ☐USFSP ☐USFSM

Number: USF4.02000
Title: Procurement – General
Responsible Office: Business & Finance

Date of Origin: 3-9-17 **Date Last Amended:** **Date Last Reviewed:**

I. STATEMENT OF REGULATION:

In order to meet the University of South Florida System's (USF System) mission, Purchasing Services administers and provides management and oversight of the process to procure quality commodities and contractual services. Purchasing Services administers and provides management and oversight for this USF System Regulation as well as Regulation 4.02010 and 4.02020.

II. AUTHORITY:

In accordance with Florida Board of Governors Regulations 1.001 and 18.001, the following Regulation applies to all institutions of the USF System.

III. DEFINITIONS OF TERMS:

The following definitions apply to this this USF System Regulation as well as Regulation 4.02010 and 4.02020:

A. Adversely affected: Where the university decision or intended decision will cause immediate injury in fact to the Protestor and the injury is of the type that the pertinent law or regulation is designed to protect.

B. 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 writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio, video and audio recording, or in any other related field.

C. Commodity: Any of the various supplies, materials, goods, merchandise, food, equipment, software or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University of South Florida System (USF System). "Commodity" also includes interest on deferred-payment contracts entered into by the USF System for the purchase of other commodities. Printing is not subject to Chapter 283, Florida Statutes.

D. Competitive Solicitation: An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor/vendor.

E. Contractor/Vendor: A person or firm who contracts to sell commodities or contractual services to the USF System.

F. Contractual Service: The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. "Contractual service" does not include labor or materials for the construction, renovation, repair or demolition of facilities.

G. Days: Calendar days.

H. Decision or intended decision: The Specifications; the rejection of a response or all responses to a competitive solicitation; the intent to award a contract pursuant to a competitive solicitation as indicated by a posted written notice; a sponsored research exemption; or a determination that a specified procurement can be made only from a sole source.

I. Electronic posting: Posting on the university's designated website.

J. Extension: An increase in the time allowed for the contract period.

K. Filing: When filing documents or written materials with:

1. The Issuing Office, the filing is the delivery of the original of the document or written materials at the Issuing Office. Filing the Notice of Intent to Protest or the Formal Protest via email or facsimile is not permitted. The time allowed for filing any documents or written material is not extended by the mailing of such;

2. The President, the President's Designee or the Presiding Officer, filing is the delivery of the documents or written material to the President, President's Designee or Presiding Officer via email or in person at a hearing.

L. Formal Protest: The formal written complaint that complies with the requirements of Section E of this Regulation.

M. Independent Contractor: A person or firm who provides a service to the USF System and in compliance with Florida or federal laws and IRS Code.

N. Invitation to Bid: A written solicitation for competitive bids for commodities, group of commodities, or contractual services defined for which bids are sought. The invitation to bid is used with a specifically defined scope of work for which a contractual service is required or with precise specifications defining the actual commodity or group of commodities required.

O. Invitation to Negotiate: A written solicitation to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The

invitation to negotiate is used when the USF System determines that negotiations may be necessary for the USF System to receive the best value.

P. Issuing Office: The office that issued the solicitation, or if a solicitation has not been issued, the office that made the decision or intended decision that is being protested.

Q. Legal holidays: Those days designated as holidays in Section 110.117, Florida Statutes, and those days - other than Saturdays and Sundays - when the university is officially closed.

R. Motor Vehicle: Any automobile, truck, watercraft, construction vehicle, recreational vehicle, equipment, or other vehicle.

S. Notice of Intent to Protest: A short and plain written statement that complies with the requirements of Section D of this Regulation.

T. Potential Protestor: Any actual or prospective bidder or offeror, person, or firm with standing to protest the decision or intended decision.

U. President: Means the presiding president of the USF System.

V. President's Designee: The person selected by the President to perform a specific delegated function on behalf of the President under this Regulation.

W. President/President's Designee: Means the presiding president of the USF System; however, if the presiding president appoints a designee, shall mean the presiding president's designee only.

X. Presiding Officer: The quasi-Judicial Officer or the University Official handling the protest proceeding.

Y. Protest proceeding: Either a summary proceeding involving a University Official or a quasi-judicial hearing involving a Quasi-Judicial Officer.

Z. Protestor: Any actual or prospective qualified bidder or offeror, or person or firm that is adversely affected and has standing who timely files a Notice of Intent to Protest and also timely files a Formal Protest.

AA. 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.

BB. Purchase: An acquisition of commodities, contractual services or licenses obtained by purchase order or contract whether by rent, lease, installment- or lease-purchase or outright purchase.

CC. Purchases for Resale: The purchase of commodities or contractual services by the USF System for the purpose of selling commodities and contractual services for the benefit of the USF System.

DD. Purchasing Services: The department responsible for oversight of the acquisition of commodities and contractual services.

EE. Quasi-Judicial Officer: The designated presiding official (may be an Administrative Law Judge or a qualified attorney with a minimum of five years' experience practicing law) in a protest proceeding where there are disputed issues of material fact.

FF. Renewal: Contracting with the same contractor for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.

GG. Request for Information: A written request to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted to form a binding contract.

HH. Request for Proposal: A written solicitation for competitive proposals for commodities or contractual services. The request for proposal is used when it is not practicable to specifically define the scope or work for which the commodity, group commodities, or contractual service is required and requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document.

II. Request for A Quote: An oral or written request for written pricing or services information from vendors for commodities or contractual services.

JJ. Responsive and Qualified Bidder or Offeror: A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

KK. Serve/Service: Sending a copy of the information to the parties via email communication at the email addresses of record.

LL. Specification: The contents of the competitive solicitation or any addenda thereto; the approval of a sole source procurement; or other solicitation documents as permitted by applicable law or regulation.

MM. Term Contract: An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed period of time.

NN. Timely Filed: Actual receipt of documentation or written material by the Issuing Office, the President, the President's Designee, or the Presiding Officer on or before the deadline.

OO. University Official: The person appointed by the President to conduct a summary proceeding.

IV. PROCESS STEPS/SPECIFIC PROVISIONS:

A. Role of Purchasing Services:

1. Canvass sources of supply and contracting for the purchase or lease of all commodities and

contractual services for the University of South Florida System (USF System), in any manner, including purchase by installment or lease-purchase contracts. Installment or lease-purchase contracts can provide for the payment of interest on unpaid portions of the purchase price.

2. Remove any contractor from the USF System's competitive vendor list that fails to fulfill any of its duties specified in a contract with the USF System (or another state university) and to reinstate such contractor when satisfied that further instances of default will not occur.

3. Plan and coordinate purchases in volume and negotiate and execute agreements and contracts for commodities and contractual services under which the USF System makes purchases.

4. Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities or contractual services that are frequently purchased and are available from a single source.

5. Evaluate contracts for commodities or contractual services entered into by other governmental or educational entities (including the Federal Government, other state governments, political subdivisions, or any public or private college or university or educational cooperative or educational consortium) as a result of a competitive solicitation. Approve the USF System's use of such contracts (in lieu of issuing a competitive solicitation) for the procurement of the same commodities and contractual services, when it is cost-effective and in the best interest of the USF System to do so.

6. Award contracts for commodities and contractual services to multiple suppliers, if such is determined to be in the best interest of the USF System. Such awards can be on a USF System, regional or state university wide basis and for multiple years.

7. Reject or cancel any or all competitive solicitations when determined to be in the best interest of the USF System.

8. Authorize the payment of deposits or advance payments for a commodity or contractual service when the Director or designee determines that it is in the best interest of the USF System.

9. All purchases, including leases, over one million dollars ($1,000,000) require the approval and signature of the Senior Vice President & CFO, Business and Finance. Authority for such items at one million dollars or less is delegated to the Director and Associate Director, Purchasing Services of the USF System. Unless officially delegated, no other unit or individual is authorized to sign contractual agreement for purchase of commodities or services or for leases of property. All contractual agreements require the review and approval of the General Counsel's Office as to legal form and sufficiency.

B. Standards of Conduct:

1. It is a breach of ethical standards for any employee of the University of South Florida System (USF System) to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It is also a breach of ethical standards for any potential contractor to offer an employee of the USF System a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

Authority: Art. IX, Sec. 7, Fla. Constitution, Fla. Board of Governors Regulations, 1.001, 18.001.

History: New (BOT approval) 3-9-17.

Certification: The USF System certifies that it has followed the Florida Board of Governors Regulation Development Procedure and has a record of written notices, comments, summaries and responses as required.