



USF System USF USFSP USFSM

Number: ~~_____~~ **USF4.02040**

Title: ~~_____~~ **Purchase of Commodities or Contractual Services**

Responsible Office: ~~_____~~ **Business and Finance**

Date of Origin: ~~4-29-03~~ **Date Last Amended:** ~~5-16-13 (technical)~~ **Date Last Reviewed:** ~~5-16-13~~

~~(1) Purchase of Insurance. The University of South Florida System (USF System) has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the USF System. All such purchases require the approval of Purchasing and Property Services.~~

~~(2) Purchasing actions that are not subject to the competitive solicitation process include:~~

~~(a) Emergency Purchases. When the USF System President or designee determines, in writing, that a delay due to the competitive solicitation process would pose an immediate danger to public health or safety or the welfare of the USF System, including USF System tangible and/or intangible assets, or would otherwise cause significant injury or harm, the USF System may proceed with an emergency purchase. The emergency purchase is limited to the purchase of only the type of items and quantities of items necessary and for only the time period necessary to meet the immediate need.~~

~~(b) Sole Source Purchases. Commodities or contractual services available from a single source are exempt from the competitive solicitation process. Sole Source document shall be publicly posted by Purchasing and Property Services at the Tampa campus for 72 hours, excluding Saturdays, Sundays and Florida State University System holidays.~~

~~(c) Purchases from Contracts and Negotiated Annual Price Agreements established by the State of Florida, other governmental entities, other universities in the State University System, or other independent colleges and universities.~~

~~(3) Types of commodities and contractual services that are not subject to the competitive solicitation process include:~~

~~(a) Artistic services.~~

~~(b) Academic reviews.~~

~~(c) Lectures.~~

37 ~~(d) Auditing services.~~

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

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

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

48 ~~(h) Medicaid services delivered to an eligible Medicaid recipient by a health care provider who~~
49 ~~has not previously applied for and received a Medicaid provider number from the Department of~~
50 ~~Children and Family Services. This exception will be valid for a period not to exceed 90 days after the~~
51 ~~date of delivery to the Medicaid recipient and shall not be renewed.~~

52 ~~(i) Family placement services.~~

53 ~~(j) Training and education services.~~

54 ~~(k) Advertising.~~

55 ~~(l) Commodities or contractual services provided by governmental agencies, another~~
56 ~~university in the State University System, direct support and affiliate organizations of the USF System,~~
57 ~~political subdivisions, or other independent colleges or universities and health support organizations~~
58 ~~and faculty practice plans.~~

59 ~~(m) Programs, Conferences, Workshops, or Continuing Education events or other USF~~
60 ~~System programs that are offered to the general public, for which fees have been collected to pay all~~
61 ~~expenses associated with the program or event.~~

62 ~~(n) Programs, conferences or events that have been specified by a grant, can include, but are~~
63 ~~not limited to items such as lodging, meeting rooms, services and food.~~

64 ~~(o) Purchases from firms or individuals that are prescribed by state or federal law or specified~~
65 ~~by granting agency.~~

66 ~~(p) Regulated utilities and governmental franchised services.~~

67 ~~(q) Extension of an existing contract.~~

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

69 ~~(s) Purchases from the Annual Certification List.~~

- 70 ~~(f) Purchases for resale.~~
- 71 ~~(g) Accountant Services.~~
- 72 ~~(v) Implementation/programming/training services available from owner of copyrighted~~
73 ~~software or its contracted vendor.~~
- 74 ~~(w) Purchases of materials, supplies, equipment, or services for instructional or sponsored~~
75 ~~research purposes when a director of sponsored research or designee certifies that, in a particular~~
76 ~~instance, it is necessary for the efficient or expeditious prosecution of a research project in accordance~~
77 ~~with sponsored research procedures or to attain the instructional objective.~~
- 78 ~~(4) In order to ensure objective contractor performance and eliminate unfair competitive~~
79 ~~advantage, contractors that develop or draft specifications, requirements, statements of work,~~
80 ~~invitations for bids, invitation to negotiate and/or requests for proposals shall be excluded from~~
81 ~~competing for such procurements.~~
- 82 ~~(5) Individuals taking part in the development of criteria for evaluation, the evaluation process~~
83 ~~or the award of the contract for any purchase shall be independent of and have no conflict of interest~~
84 ~~in the entities evaluated and awarded the contract. The USF System has the option to require the~~
85 ~~individuals to attest to such in writing.~~
- 86 ~~(6) Items requested that are of a personal nature or for personal convenience of employees~~
87 ~~shall not be purchased. Examples are: fans, heaters, coffee pots, mugs, refrigerators, microwaves,~~
88 ~~picture frames, wall hangings, smoke/air filters and various decorative items.~~
- 89 ~~(7) Purchase of Products with Recycled Content. The USF System may establish a program to~~
90 ~~encourage the purchase and use of products and materials with recycled content and postconsumer~~
91 ~~recovered material.~~
- 92 ~~(8) Purchases from Contractors Convicted of Public Entity Crimes. The USF System shall not~~
93 ~~accept a competitive solicitation from or purchase commodities or contractual services from a person~~
94 ~~or affiliate who has been convicted of a public entity crime and has been placed on the State of~~
95 ~~Florida's convicted vendor list for a period of 36 months from the date of being added to the~~
96 ~~convicted vendor list.~~

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

99 ~~*History: New (BOT approval) 04-29-03, Formerly 6C4-4.02040, F.A.C., Amended 9-10-09, 5-16-*~~
100 ~~*43 (technical).*~~

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