

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

DATE: April 7, 2009

REGULATION NUMBER AND TITLE: 6C-17.009 Leases of 3,000 Square Feet or More

SUMMARY: Chapter 17, Administration of Leasing Program, contains numerous out-of-date references, and refers to administrative practices discontinued for over twenty (20) years, when leases were centrally administered by the former Board of Regents. The State University System central office has no involvement in university leasing of space, contrary to the current regulation, which requires the Chancellor to approve all leases. Additionally several sections were previously repealed, but the remaining sections were not renumbered.

The proposed revision renumbers and consolidates existing critical sections, conveys required lease authority to the Boards of Trustees, eliminates seven (7)

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~~6C 17.009 Leases of 3,000 5,000 Square Feet or More.~~

~~(2) The Board Office~~ No university shall not enter into a lease for 3,000-5,000 square feet or more of space in a privately owned building, within any 12 month period, except upon advertisement for and receipt of competitive bids or proposals as determined by the University. In the case of invitations to bid, the award shall be made to the lowest responsible and responsive bidder. In the case of competitive proposals, the award shall be made to the responsive and responsible proposer whose proposal is determined to be the most advantageous to the University, taking into consideration the price and other criteria set forth in the request for proposals. If the University elects to enter into a negotiation with responding proposers, the President or designee must specify why negotiation will assist the University in is necessary in order to achieve the best leasing value for the University. Cost savings related to the University's procurement process are not sufficient justification for negotiation.

~~The award shall be made to the lowest responsive bidder meeting specifications and shall include the terms and conditions of the bid as submitted.~~

(a) Exceptions to Competitive Solicitation Bid Requirements:

1. Competitive solicitations bids shall not be required for renewal of leases as provided in the original lease.

2. Competitive bids-solicitations shall not be required for any lease having a term of less than 120 consecutive days which is for the purpose of securing a one-time special use of the leased property.

3. Competitive solicitations bids shall not be required for any lease which is for nominal or no consideration.

4. Competitive solicitations bids shall not be required to extend an existing

6. Competitive solicitations shall not be required when leasing specialized research, medical or educational facilities, if the President or the President's designee certifies in writing that said facility is available from a single source and that compliance with competitive bid requirements would be detrimental to the University.

7. Competitive solicitations shall not be required in an emergency, when leasing space is necessary because an existing state-owned or leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, or structural failure, or by

- ~~(c) Specifications shall require the prospective lessor to:~~
- ~~1. Contract using the Board Office Standard Lease Agreement form;~~
 - ~~2. Provide a scaled floor plan of available rental space;~~
 - ~~3. Comply with Chapter 60D-1, Florida Administrative Code, Standards for Special Facilities for Physically Disabled;~~
 - ~~4. Be an Equal Opportunity Employer;~~
 - ~~5. Provide Full Disclosure Statements of Ownership;~~
 - ~~6. Guarantee the bid proposal for a minimum of thirty (30) days following the public~~
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