

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

**DATE:** August 10, 2009

**REGULATION NUMBER AND TITLE:** 14.004, Public Announcement and Qualification Procedure

**SUMMARY:** The 2009 legislative session yielded Senate Bill 2666, which made changes to various components of the construction program language. The bill increased the threshold for individual projects under a construction contract, from \$1 million to \$2 million. For study activity, the threshold increased from \$50,000 to \$200,000.

The proposed regulation amendment reflects the aforementioned changes by identifying the applicable parameters for each of the professional service or continuing contract categories. The regulation amendment also provides enhanced clarity to the existing language, to detail the public announcement requirements for construction programs.

The proposed language was developed in conjunction with university staff. No adverse impact has been identified by adoption of these regulations.

**FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.**

**AUTHORITY TO AMEND REGULATION(S):** Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

**THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED AMENDMENT TO THE REGULATION:** Chris Kinsley, Director, Finance & Facilities

**COMMENTS REGARDING THE PROPOSED AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or [generalcounsel@flbog.edu](mailto:generalcounsel@flbog.edu).

#### **14.004 Public Announcement and ~~Qualification Procedure~~ Requirements**

(1) The university shall publicly announce, in a uniform and consistent manner, each occasion ~~publish an announcement in a statewide accepted public notice forum,~~ when the following professional services, construction management services or design-build services are required:

- ~~(a) Professional services for each project which exceeds \$1,000,000 in estimated construction cost which is not being designed by either the Campus Service Architect/Engineer or by university personnel;~~
  - (a) Professional services for a project, with estimated construction costs exceeding \$250,000. However, a university may use a continuing contract, or one of the other procurement methods provided in this regulation;
  - ~~(b) Continuing professional services or construction management services under a Campus Service Agreement.~~
  - (b) Continuing contracts for professional services, or continuing contracts for construction management service. There is no limit on the total value of the continuing contact, but no single project, as specified in the contract, may exceed \$2,000,000;
  - (c) Professional services for development of design criteria for design-build projects. (The firm selected to develop the design criteria package shall not be eligible to render services under the Design-Build Contract);
  - (d) Construction management services; ~~or,~~
  - (e) Design-build services.
  - (f) Professional services for planning or study activity when the fee will exceed \$25,000. However, a university may use a continuing contract for this activity;
  - (g) Continuing contracts for professional services for planning or study activity. There is no limit on the total value of the continuing contact, but no single study or plan, as specified in the contract, may exceed \$200,000;
- (2) The announcement shall provide a general description of the project(s) and the selection process.
- (3) No public announcement is required if university personnel are performing these services instead of an external party

Authority: Section 7(d), Art. IX, Fla. Const., History—Formerly 6C-14.004, 12-30-79, Amended 8-11-85, 1-24-89, 10-17-89, 1-13-99, Amended and Renumbered as 14.004, 3-27-08.