

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

DATE: August 10, 2009

REGULATION NUMBER AND TITLE: 14.005, Certification and Competitive Selection of Architects/Engineers

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.

14.005 Certification and Competitive Selection of Professionals ~~Architects/Engineers~~

(1) For any services required which have been publicly announced as provided in BOG Regulation 14.004, including professional services, continuing contracts, construction management services or design-build the president shall appoint a Certification and Selection Committee to make recommendations. Those appointed by the president shall serve throughout the selection process.

~~1) A Certification and Selection Committee appointed by the president shall serve throughout the selection process for a Campus Service Architect/Engineer, or for any project exceeding an estimated construction amount of \$1,000,000 which is being designed neither by the Campus Service Architect/Engineer nor by university staff.:~~

The Committee shall consist of at least three members, two of which must have demonstrable experience in the selection of professional architectural or engineering services or education in construction, engineering, architecture or other related discipline and shall be comprised of the following:

(a) At least one facilities professional from the University Facilities Office or physical plant office; the second required facilities professional is not required to be a current University Facilities or Physical Plant employee.

(b) Additional members, based on the special needs of the project, if required.

(2) Prior to each ~~For all~~ selections, the University Certification and Selection Committee shall determine the eligibility under Florida law of each firm to perform the services required. ~~for each project.~~ Each firm determined to be eligible to provide the services ~~for the project~~ will be so certified by the University Committee and shall be qualified for consideration as provided in this Chapter.

(3) The Certification and Selection Committee shall evaluate professional qualifications statements by all eligible professional firms applying. The Committee shall consider the experience of professional personnel; past performance; ability to meet time and budget requirements; location; and recent, current and projected workloads of the firms. The Committee shall conduct discussions with, and may require public presentation by, no fewer than three firms, where possible, regarding their qualifications, approach to the project, and ability to furnish the required services. For projects having three or fewer applicants, the Committee shall conduct discussions with each applicant firm. The Committee shall rank the firms in the order of those most highly qualified to perform the required service, and where possible, shall recommend to the president for approval no less than three firms in the Committee's order of ranking. The university shall notify all interviewed firms of the approved selection.

(4) After approval by the president, the president shall negotiate a contract.

Authority: Section 7(d), Art. IX, Fla. Const., History—Formerly 6C-14.005, 12-30-79, Amended 7-22-87, 1-24-89, 5-17-95, 1-13-99, Amended and Renumbered as 14.005, 3-27-08.