

**FLORIDA BOARD OF GOVERNORS
NOTICE OF APPROVED REGULATION AND AMENDMENTS**

Date: February 6, 2008

REGULATION TITLES AND NUMBERS: 14.022 for Disqualification Procedures

SUMMARY: 14.022 Disqualification Procedures regulation is amended to update references related to governance and to allow the university presidents to assign a designee to record performance problems of a construction firm. The regulation is amended to remove reference to MBE contractors.

FULL TEXT OF THE REGULATION: The full text of the proposed amended regulation is posted on BOG's Website at www.flbog.org. The full text of the existing regulation is posted on BOG's Web site at www.flbog.org/BOG_regs. In addition, the full text of the regulation is available upon request to the Office of the Chancellor, which can be contacted at (850) 245-0466.

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

**BOARD OF GOVERNORS' OFFICIAL INITIATING ADOPTION/ AMENDMENT/
REPEAL OF REGULATIONS:**

Chris Kinsley, Director, Finance and Facilities

COMMENTS REGARDING ADOPTION/ AMENDMENT/ REPEAL OF REGULATIONS SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation(s) on which you are commenting.

**THE PERSON TO BE CONTACTED REGARDING ADOPTION/ AMENDMENT/
REPEAL OF REGULATION IS:** Vikki R. Shirley, General Counsel, Board of Governors, State University System 325 W. Gaines Street, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), generalcounsel@flbog.org.

6C-14.022 Disqualification Procedures

(1) The president will review the performance of each construction firm under contract. The president or designee will record poor or inadequate performances, deficient management resulting in project delay, and/or poor quality workmanship, ~~and non-fulfillment of contractors MBE plan.~~ The president will review all circumstances surrounding instances of poor performance and the quality of workmanship and may initiate disqualification proceedings for any firm determined to be deficient.

(2) The president shall notify the firm under review and give it an opportunity to submit written evidence. As deemed appropriate, the president may convene a disqualification committee. If the president finds probable cause to warrant disqualification, the president shall so notify the contractor in writing. ~~in accordance with Chapter 120, Florida Statutes.~~ The notification shall set forth specifically the grounds for disqualification and the contractor's right to request a quasi-judicial hearing. ~~in accordance with Chapter 120, Florida Statutes.~~ The firm may, within fourteen (14) days of receipt of notification of disqualification, file a written request for hearing. If such a request is not timely filed, the president will make a final ruling on the matter in its original form. If a request for hearing is made, the matter will be handled in accordance with university procedures for a quasi-judicial hearing. ~~Chapter 120, Florida Statutes.~~

Authority: Section 7(d), Article IX, Florida Constitution; Formerly Implemented F.S. 120.57, 120.60, 240.209(1), (3)(p), (q), 287.094. History--Formerly Rule 6C-14.22. New 5-25-81, Amended 8-11-85, 4-8-86, 1-24-89, 1-13-99, Amended 11-06-07.