

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

Date: February 6, 2008

**REGULATION TITLES AND NUMBERS:** 18.055 Bonds

**SUMMARY:** Repealed

**FULL TEXT OF THE REGULATION:** The full text of the proposed amended regulation is posted on BOG's Website at [www.flbog.org](http://www.flbog.org). The full text of the existing regulation is posted on BOG's Website at [www.flbog.org/BOG\\_regs](http://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](mailto:generalcounsel@flbog.org).

## Repealed

### 6C-18.055 Bonds.

~~(1) Solicitation Security. A certified, cashier's or treasurer's check, bank draft or bid bond may be required as a condition for participating in a competitive solicitation.~~

~~(2) Payment and Performance Bonds.~~

~~(a) Any contractor contracting with an Institution to provide commodities or commodities which include installation may be required to furnish a payment and performance bond, with good and sufficient securities, to the Institution prior to the issuance of the contract.~~

~~(b) Any contractor contracting with an Institution for the construction, renovation, demolition or repair of a building shall be required to furnish a payment and performance bond, with good and sufficient securities, to the Institution before beginning work on the project. The bonding requirements shall be in accordance with Chapter 255, F.S.~~

~~(c) A contractor shall promptly make payments to all contractors or subcontractors supplying labor, materials and supplies used in the performance of the contract, in accordance with Chapter 255, F.S.~~

~~(d) When a payment and performance bond is not required for construction, renovation, demolition or repair projects under \$200,000, up to ten percent of the contract or invoice amount(s) may be retained until the project has been properly inspected and certified as complete.~~

~~(e) The bond or security must be in an amount equal to 100% of the response submitted to the competitive solicitation.~~

~~(3) Solicitation Protest Bond. Any contractor that files an action pursuant to s. 120.57(3)(b), F.S., protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the Institution, a bond payable to the Institution in an amount equal to: 10% of the estimated value of the protestor's bid or proposal; 10% of the estimated expenditure during the contract term; \$10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the Institution may accept a cashier's check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier's check or money order at the time of filing the formal protest shall result in the denial of the protest.~~

*Specific Authority 240.209(1), (3)(r) FS. Law Implemented 120.57(3)(b), 240.205(6), 240.227(12), 255 FS. History New 1-13-99.*