

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED NEW REGULATION

Date: November 17, 2006

REGULATION CHAPTER TITLE: Purchasing Program **REGULATION CHAPTER NO.:** Chapter 6

REGULATION TITLES AND NUMBER: Purchasing Program (6.001)

SUMMARY OF REGULATION: The Regulation sets forth the mission of the University's procurement process. Such objectives include acquiring quality goods and services as economically as possible, promoting fair and open competition in the procurement process, establishing effective management oversight of the University's procurement process, preserving the integrity of University's purchasing and contracting, reducing the opportunity for favoritism and ensuring that contracts are awarded equitably and economically. The purpose and application of the Purchasing Program Regulation is stated therein and the roles and authority of the University Board of Trustees and University President as the purchasing organization are outlined. In addition, the Regulation delegates certain purchasing authority to the Director of Purchasing and requires the Board of Directors for each University Direct Support Organization to establish procurement policies and procedures for submission to the University Board of Trustees.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution, Board of Governors Regulation Development Procedure dated July 21, 2005, Sections 1001.74(4), (5), 1001.75(5) and 1010.04, Florida Statutes.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. Grace Ali, Vice President for Fiscal Affairs.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Shira R. Thomas, Office of the General Counsel, Suite 300 Lee Hall, Tallahassee, Florida 32307, (850) 599-3591 (phone), (850) 561-2862 (fax), regulations@famuedu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of the proposed amended regulation follows:

Regulations of Florida A&M University



6.001 Purchasing Program

- (1) Intent. It is the intent of the University to acquire quality goods and services as economically as possible, within reasonable or required time frames, while promoting fair and open competition in the public procurement process. This regulation establishes effective management oversight of the University's procurement process in order to reduce the appearance and opportunity for favoritism, to ensure that contracts are awarded equitable and economically and to preserve the integrity of University purchasing and contracting.
- (2) Purpose. These regulations implement the University's delegated authority from the University Board of Trustees with respect to the powers, duties and functions of the institution's purchasing jurisdiction as provided in Sections 1001.74(5), 1001.75(5), and 1010.04, Florida Statutes (F.S.).
- (3) Application. These regulations shall apply to all expenditure of funds of the University, irrespective of their source, including federal assistance monies, except University Direct Support Organization funds, (as defined in section 1004.28, (F.S.)).
- (4) Procurement Organization.
 - (a) The University Board of Trustees. By this regulation, the University Board of Trustees exercises their statutory authority to establish a process to coordinate procurement policies, procedures and practices to be used in acquiring commodities and contractual services required by the University.
 - (b) The University President. As Chief Executive Officer of the University, the President has the responsibility to implement the University's procurement authority as consistent with the regulations and policies of the University Board of Trustees. The University President has statutory authority to approve, execute and administer contracts for and on behalf of the University Board of Trustees for licenses; the acquisition or provision of commodities, goods, equipment and services; leases of

real estate and personal property and planning and construction to be rendered to or by the University provided such contracts are within the law and the regulations and policies of the University Board of Trustees. The University Board of Trustees further delegates to the University President the authority to procure by installments or lease-purchase. The President may delegate all or any portion of such authority, which is not required by law, regulation or the University Board of Trustees to be exercised personally, to any employee of the University in the interest of the efficient and effective operation of the University.

(c) Delegation of Purchasing Authority.

1. Duties and Powers. The Director of Purchasing is delegated authority to serve as the central procurement officer for the University, and shall exercise the powers, duties and functions pertaining to the procurement of commodities and contractual services. The Director may delegate to the Purchasing Department staff such portions of those powers, duties and function as deemed appropriate, except the authority to execute contracts.
2. Purchases of commodities and services for the following areas need not be procured through the Purchasing Department: purchases by the Facilities Planning and Construction Department related, but not limited to planning and construction, acquisition of professional architecture, engineering, landscape architecture or land surveying services and books and periodical purchased by University Libraries. Such purchases shall be processed by the appropriate University Department in accordance with the law and the regulations and policies of the University Board of Trustees.

Specific Authority 1001.74(4), F.S. Law Implemented 1001.74(5), 1001.75(5), 1010.04, F.S. History – New 12-07-05, Amended _____.

Regulations of Florida A&M University



6.001 Purchasing Program

- (5) *Intent.* It is the intent of the University to acquire quality goods and services as economically as possible, within reasonable or required time frames, while promoting fair and open competition in the public procurement process. This regulation establishes effective management oversight of the University's procurement process in order to reduce the appearance and opportunity for favoritism, to ensure that contracts are awarded equitable and economically and to preserve the integrity of University purchasing and contracting.
- (6) *Purpose.* These regulations implement the University's delegated authority from the University Board of Trustees with respect to the powers, duties and functions of the institution's purchasing jurisdiction as provided in Sections 1001.74(5), 1001.75(5), and 1010.04, Florida Statutes (F.S.).
- (7) *Application.* These regulations shall apply to all expenditure of funds of the University, irrespective of their source, including federal assistance monies, except University Direct Support Organization funds, (as defined in section 1004.28, (F.S.). **The Board of Directors of each University Direct Support Organization shall establish procurement policies and procedures for the expenditure of DSO funds. Such policies and procedures shall be submitted the University Board of Trustees for review.**
- (8) *Procurement Organization.*
- (d) The University Board of Trustees. By this regulation, the University Board of Trustees exercises their statutory authority to establish a process to coordinate procurement policies, procedures and practices to be used in acquiring commodities and contractual services required by the University.
- (e) The University President. As Chief Executive Officer of the University, the President has the responsibility to implement the University's procurement authority as consistent with the regulations and policies of the University Board of Trustees.

The University President has statutory authority to approve, execute and administer contracts for and on behalf of the University Board of Trustees for licenses; the acquisition or provision of commodities, goods, equipment and services; leases of real estate and personal property and planning and construction to be rendered to or by the University provided such contracts are within the law and the regulations and policies of the University Board of Trustees. The University Board of Trustees further delegates to the University President the authority to procure by installments or lease-purchase. The President may delegate all or any portion of such authority, which is not required by law, regulation or the University Board of Trustees to be exercised personally, to any employee of the University in the interest of the efficient and effective operation of the University.

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History – New 12-07-05, Amended _____.