

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: July 29, 2009

REGULATION TITLE:
Leases of 5,000 Square Feet or More

REGULATION NO.:
UCF-7.208

SUMMARY OF REGULATION: This regulation is amended to reflect requirements for leases of 5,000 square feet or more of space. This regulation outlines those circumstances in which competitive solicitation is not required for such leases, and those provisions are updated in this amendment to conform to Florida Board of Governors Regulation 17.001. Amendments to this regulation also include technical changes, specifically renumbering of the regulation.

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Regulations Administrator

COMMENTS CONCERNING THE PROPOSED REGULATION 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 you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
4000 Central Florida Blvd.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF6C7-7.208 Leases of 5,000 Square Feet or More.

(1) The University shall not enter into a lease for 5,000 square feet or more in a privately owned building, except upon advertisement for and receipt of competitive bids or proposals as

~~determined by the University. The University shall comply with BOG Regulation 17.001 in the and award to the lowest bid meeting specifications~~acceptance of bids or proposals for such leased space. The University shall not enter into, within any 12 month period, more than one lease for space of a total of 5,000 square feet or more in a privately owned facility or complex except upon the solicitation of competitive bids.

(2) Exceptions to the competitive solicitation requirements.

(a) This ~~regulation~~rule shall not apply to renewal of leases when the lease contains renewal terms ~~or to leases otherwise excepted from the competitive bidding requirements of Section 255.25, F.S., by its terms.~~

(b) This ~~regulation~~rule shall not apply to any lease having a term of less than ~~21~~120 consecutive days for the purpose of securing the one-time special use of the leased property.

(c) This ~~regulation~~rule shall not apply to any lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for \$~~100~~100.00 or less per year.

(d) This ~~regulation~~rule shall not apply to building or facilities of any size leased for the purpose of providing care and living space for persons.

(e) The University may approve extensions of an existing lease of ~~35~~35,000 square feet or more space if such extensions are determined to be in the best interest of the ~~State~~University, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month the University still needs space, it shall be procured by competitive bid. However, if the University determines it is in the best interest to remain in space it currently occupies, the University may negotiate a replacement lease with the landlord if an independent market analysis demonstrates that the lease rates offered are within market rates for the space and the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. The term of such

replacement lease may not exceed the base term of the expiring lease. The decision to extend a lease and to remain in space currently occupied shall be based on the following factors: the cost of moving, the disruption of activities that will occur as a result of moving, the location of the space, the suitability of the space, the proximity of services, the layout and type of space, and the quality of space involved.

(f) Specialized research, medical, or educational facilities excluding classrooms shall be exempt from the competitive bid requirements for leasing upon certification by the University President or designee that said facility is available from a single source and that compliance with competitive bid requirements would be detrimental to the University.

(g) Leases of educational facilities in the Central Florida Research Park, “with which the University is affiliated,” are exempt from the competitive solicitation requirements, pursuant to Section 1013.17, F.S., which states “A university is exempt from the requirements of s. 255.25(3), (4), and (8) when leasing educational facilities in a research and development park with which the university is affiliated and when the Board of Governors certifies in writing that the leasing of such educational facilities is in the best interests of the university and that the exemption from competitive bid requirements would not be detrimental to the state. Leases entered into pursuant to this section are subject to the provisions of s. 1010.62.”. The Board of Trustees or designee must certify in writing that the leasing of such educational facilities is in the best interests of the University and that the exemption from competitive bid requirements is not detrimental to the state, pursuant to s. 1013.17, F.S.

(h) Leases of space in the event of emergency space needs where existing state- or University-owned or leased space is destroyed or rendered uninhabitable and the President or designee certifies that other University controlled space is not available and the term of the lease

does not exceed ~~18~~ months, provided the University may modify the lease to extend month to month for up to 6 additional months to allow completion of construction or renovation.

(i) Competitive solicitations shall not be required when leasing facilities in a hospital or other medical facility, such as a medical office building, with which the University is affiliated.

(3) The University shall not enter into a lease agreement for space of 5,000 square feet or more in a privately owned building when suitable space is available in a state-owned building located in the same geographic region unless it is determined to be in the best interest of the University and the State, such as when the cost of the move from a private building to the state-owned building would be prohibitive. The University is exempt from these requirements when leasing space in the Central Florida Research Park.

*Authority: Florida Board of Governors~~BOG~~ Resolution dated January 7, 2003. History—
Formerly 6C7-4.052(9)(a), (b), F.A.C., Renumbered 8-4-82, Amended 12-29-91, 3-16-03, 5-5-
08; Formerly 6C7-7.208, Amended _____.*