

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: March 2, 2009

REGULATION TITLE:
Definitions

REGULATION NO.:
UCF-7.102

SUMMARY OF REGULATION: This regulation is amended to reflect technical changes and renumbering of the regulation. Additionally, the definition of “Limited Purchase Orders” is removed, and “Small Business Enterprise” is redefined.

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:

Ray Puskas, Director, Purchasing Department

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
Fax: (407) 823-6155
e-mail: regulations@mail.ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF~~6~~7-7.102 Definitions.

(1) Artistic Services – Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting,

sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

(2) Commodity – Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications shall be considered a “commodity” when let upon contract either in accordance with Section 283.33, F.S., or in accordance with University guidelines. Software to be used pursuant to license agreements shall be considered a “commodity.”

(3) Competitive Bid/Proposal – The response submitted to an Invitation to Bid, Invitation to Negotiate, or a Request for Proposal by responsive and qualified bidders or offerors.

(4) Competitive Solicitation – An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

(5) Contractor/Vendor – A person or firm who contracts to sell commodities or contractual services to the University.

(6) Contractual Service – The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. “Contractual service” does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities, pursuant to Chapter 255, F.S.

(7) Direct Owner Purchase – The purchase of materials and equipment by the university that are originally included in a Construction Managers, Contractors or subcontractors bid or proposal for a university construction project.

(8) Extension – An increase in the time allowed for the contract period.

(9) Independent Contractor – A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with ~~that~~ the University, except as provided in Section 112.313, F.S.

(10) Informal Bid – An Informal Bid is defined as either a written or verbal quotation not requiring a public opening of such at a specific time or date. Written evidence of verbal quotations shall be maintained.

(11) Invitation to Bid – A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined, for which bids are sought. Cost is the main factor for award.

(12) Invitation to Negotiate – An invitation extended to prospective contractors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

(13) Definite Quantity Contract – Definite Quantity Contract whereby the contractor(s) agrees to furnish a specific quantity of an item or items at a specified price and time. Delivery and acceptance of the specific quantity at the University or such place designated in the contract completes such contract.

(14) Term Contract – Indefinite Quantity Contract whereby a contractor(s) agrees to furnish an item or items during a prescribed period of time (such as 3, 6, 9, 12 months or a specific date). The specified period of time or date completes such contract.

(15) Printing – The term “printing” shall include “commercial printing services” and shall mean and include any mechanical process whereby ink is transferred to paper, except internal photocopy reproduction. Printing shall include duplicating when used to produce publications and also the process of and the materials used in binding.

(16) Class B Printing – Shall be defined as that portion of printing (other than Class A Legislative Printing) which may be circulated to and/or used by the general public and public or governmental entities other than agencies of the State of Florida.

(17) Competitive Bids – Competitive Bids shall mean two or more valid responses to a bid invitation.

(18) Valid Response – A responsible offer to full compliance with the bid specifications and conditions.

(19) Department – Department means any college, school, department, principal investigator, club, organization or other budget entity which has been assigned a departmental account number by the University Controller.

~~(20) Limited Purchase Orders (LPOs) – LPO shall mean a combination purchase order-receiving report vendor’s invoice issued to departments by the Director of Purchasing for use in the purchase of minor (not over \$500.00 FOB origin per order) quantities of commodities, printing, or services.~~

(20) Minority Business Enterprise – A business concern as defined in Section 288.703(2), F.S.

(212) President – The chief executive officer of the University, responsible for its operation and administration.

(223) Public Entity Crime – A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.

(234) Purchase – An acquisition of commodities, services, or licenses obtained by purchase order or contract whether by rent, lease, installment- or lease-purchase, outright purchase.

(245) Purchases for Resale – The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

(256) Renewal – Contracting with the same contractor for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.

(267) Request for Proposal – A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined.

(278) Responsive and Qualified Bidder or Offeror – A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

(289) Small Business Enterprise – ~~An independently owned and operated business concern that employs fewer than 100 500 or fewer permanent full-time employees~~ A business concern that meets the definition of “small business” found in s. 288.703(1), F.S., and has a net worth of not more than \$3 million.

Authority: Florida Board of Governors~~BOG~~ Resolution dated January 7, 2003. History—
Formerly 6C7-4.05(3), 5-13-82, Amended 8-30-87, 12-29-91, 3-16-03; ~~—Formerly 6C7-7.102,~~
Amended _____.