

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED REGULATION**

REGULATION NUMBER AND TITLE: FPU-8.007 Competitive Process for Leasing Land and Facilities.

SUMMARY OF THE REGULATION: This regulation provides for general guidelines that Florida Polytechnic University will adhere to when using the competitive solicitation process for leasing lands and facilities.

TEXT OF THE REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations>. If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Administrative Assistant to the VP and General Counsel at (863)583-9061.

AUTHORITY: Board of Governors Regulations 1.001, 17.001, Fla. Stat. § 1013.171

NAME OF THE PERSON INITIATING PROPOSED REGULATION: Gina DeIulio, VP and General Counsel

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Bacogie Luke, Administrative Assistant to the VP and General Counsel at 439 South Florida Avenue, Suite 300, Lakeland, Florida 33810, Email: bluke@floridapolytechnic.org, Phone: (863)583-9061, Fax: (863)583-9070.

DATE OF PUBLICATION: November 12, 2013

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-8.007 Competitive Process for Leasing Land and Facilities.

(1) Purpose. The University may lease real property, and where required the University will advertise for and receive competitive bids or proposals for the lease of space of more than 5,000 square feet.

(2) Publication. A public solicitation for proposals will be widely publicized using newspaper advertisement and contact with owners, developers or realtors in the city or area in which space is desired.

(3) Solicitation. Solicitation should set forth, but not be limited to the following:

- a) Approximate net square footage required to be measured in accordance with FBOG Regulation 17.001 Lease Authority;
- b) General area in which space must be located;
- c) Approximate floor plan of space needed showing partitioning and other physical requirements;
- d) Date space must be available;
- e) Name and address of location where specifications may be obtained;
- f) Terms and conditions of lease, including an option to renew if desired; and
- g) Services required, including parking, dining, and transportation requirements, if any.

(4) Competitive Solicitations. Competitive solicitation specifications must be drawn by the University in general terms for all leases to be awarded based upon competitive solicitation. They shall afford each prospective lessor interested in submitting a proposal with knowledge of the University's space requirements. Specifications shall not be structured to favor any specific location or lessor.

(5) Other Competitive Solicitation Specifications. Specifications shall also set forth that the prospective lessor will agree to:

- a) Enter into a lease agreement that incorporates specified terms, if applicable;
- b) Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered;
- c) Be an Equal Opportunity Employer;
- d) Provide Full Disclosure of Statement(s) of Ownership;
- e) Validate the proposal for a minimum of forty-five (45) days following the public bid/proposal opening date;
- f) Provide a Life Cycle Analysis with proposal if the space is for 20,000 or more square feet in any structure with the understanding that the analysis must be acceptable before an award can be made (Florida Statutes Section 255.254); and

- g) Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.

(6) Submission of Proposals. Specifications may provide that sealed proposals are to be submitted in a titled envelope, to a designated individual, and by a specified closing time and date, at which time all proposals will be publicly opened.

(7) Lease Proposals. Proposals must specifically respond, but need not be limited to, each item included in the bid specification. Each proposal must be signed by the owner(s), corporate officers, or legal representative(s). If the proposal is signed by an agent, written evidence of the agent's authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida must be presented.

(8) Conflict of Interest. In any lease of space, the individuals taking part in the development or selection of criteria for evaluation, in the evaluation, or in the award process shall attest in writing that they are independent of, and have no conflict of interest in the entities being evaluated.

Authority: FBOG Regulations 1.001, 17.001 and Fla. Stat. § 1013.171

History—New: _____

11.5.13 RLD