

**Regulations of
Florida A&M University**



7.009 Lease of 5,000 Square Feet or More.

(1) The University shall not enter into a lease for 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive solicitations and award to the best response meeting the requirements of the solicitation as determined by the University. 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 or except upon the competitive solicitation.

(a) Exceptions.

1. This rule shall not apply to renewal of leases.
2. This rule shall not apply to any lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property.
3. This rule shall not apply to any lease for nominal or no consideration. As used herein "nominal consideration" means consideration of \$10.00 or less per year.
4. This rule shall not apply to building or facilities of any leased for the purpose of providing care and living space for persons.
5. The University may approve extensions of an existing lease of 5,000 square feet or more space if such extensions are determined to be in the best interest of the University, but in no case shall the total of such extension exceed 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, the University shall solicit competitive bids or proposals in accordance with this chapter. However, if the University determines it is in its best interest to remain in the 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 do not exceed the cost of a comparable lease plus documented moving costs. The term of such replacement lease shall not exceed the base term of the expiring lease.

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The decision to extend a lease and to remain in the 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.

6. This rule does not apply to facilities in a research and development park in accordance with Section 1013.17, F.S.

7. 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 President's designee certifies that other University controlled space is not available and the term of the lease does not exceed 11 months; however, the University may modify the lease to extend month to month for up to six (6) additional months to allow completion of construction or renovation.

8. Specialized educational facilities excluding classrooms shall be exempt from the competitive solicitation requirement for leasing upon certification by the President or designee that said facility is available from a single source and that compliance with competitive solicitation requirements would be detrimental to the University.

(2) 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 University or state-owned building located in the same geographic region unless it is determined to be in the best interest of the University, such as when the cost of the move from a privately owned building to the University-owned building would be prohibitive. The University may be, with written justification, exempt from these requirements when leasing in a research park. The term "University or state-owned building" as used in this section means any University or state-owned facility regardless of use or control.

(3) Solicitation.

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- (a) A competitive solicitation shall be advertised on a centralized University website, the Florida Community Network, in the Florida Administrative Weekly or published in a newspaper of general circulation.
- (b) Solicitation specifications shall set forth, but not be limited to the following:
1. General terms shall be written by the University and shall afford each prospective Lessor, interested in submitting a proposal, knowledge of the University's space requirement. Specifications shall not be constructed to favor any specific location or Lessor.
 2. Approximate net square footage required, to be measured in compliance with subsection 60H-2.003(2), Florida Administrative Code (F.A.C.).
 3. An approximate floor plan of space needed showing partitioning and other physical requirements.
 4. General location of required space.
 5. Date space must be available.
 6. Terms and conditions of lease with option to renew, if desired.
 7. Contact name and address where specification may be obtained.
- (c) Specifications shall also set forth that the prospective Lessor will agree to:
1. Enter into the University's standard lease agreement-FAM.PUR-1, effective January 31, 2005.
 2. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
 3. Comply with the requirement of Chapter 533, F.S., Special Facilities for the Physically Disabled.
 4. Be an Equal Opportunity Employer.
 5. Provide Full Disclosure Statements of Ownership.
 6. Validate the proposal for a minimum of forty-five (45) days following the competitive solicitation opening date.
 7. Provide a Life Cycle Analysis with proposal if space is for 20,000 or more square feet in any one structure with the understanding that the

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analysis shall be acceptable before an award can be made. (Section 255.254, Florida Statutes).

8. Comply with the fire and life safety and disabled access standards of the State Building Code.

9. Propose a rental rate per square foot per year that will include all renovations and other special requirements to accommodate the program at the time of initial occupancy and clearly state, of that rental rate per square foot, the amount allocated to (i) base rent, (ii) the cost of tenant improvement or renovations necessary to make the space conform to the University's specifications and (iii) operating costs being reimbursed by the University.

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

(e) Proposals.

1. Proposals shall specifically respond to, but need not be limited to, each item included in the specifications.

2. Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his 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 shall be presented.

(f) Evaluation.

1. The University shall reserve the right to accept or reject any or all responses submitted and if necessary reinstate procedures for soliciting competitive proposals.

2. The University in conjunction with preparing specification, shall develop weighted evaluation criteria. The criteria items most significant to the University's needs should bear the highest weight. The cost of

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relocation, if any; consolidation of activities, if desirable; and any other factors deemed necessary should be weighted.

3. The evaluation shall be made by the University.
4. Selection shall be made by the University.
5. Documentation to support the selection shall be maintained and shall include but not be limited to the following:
 - a. A copy of all advertisements.
 - b. A copy of the proposal specifications.
 - c. A copy of all proposals received.
 - d. A synopsis of the University's findings for each proposal.
 - e. Lease preparation and approval.
6. Selection shall be publicly announced by the University.
7. After the selection has been announced, a lease agreement shall be properly executed.