



PURCHASING DEPARTMENT PROCEDURES MANUAL

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INTRODUCTION

The Purchasing Services Department is a service department organized to support the instructional and research efforts of faculty and staff, as well as other University service departments. Purchasing involves the acquisition of equipment, furnishings, supplies, facility improvement services, preventive maintenance services, contractual services, and leases of space for the University within pre-established budgetary constraints. Purchasing also includes assisting with the planning and preparation of competitive solicitation specifications; initiating formal quotations, proposals, and bids; conducting public competitive solicitation openings; evaluating competitive solicitation responses and awarding and administering all contracts until final completion or termination.

This manual reflects the statutory requirements of the State of Florida, rules and directives established by the Department of Education, and standard practices in the public university system of Florida, as applicable. The requirements stated herein shall apply to all purchases of commodities and services regardless of funding source.

MISSION STATEMENT

The Purchasing Services Department's mission is to provide procurement solution and services that are appropriate for every circumstance and to facilitate state statues, each department/college's unique mission within the Florida International University Community. The department is committed to the accomplishment of this mission while acting responsibly, and in accordance with laws and regulations, to protect the vital business interest of the University.

1.0 GENERAL POLICIES AND PROCEDURES

1.1. STATUTORY AUTHORITY

Section 1001.74(4), F.S., grants the Board of Trustees the authority to acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase.

Section 1001.75(5), F.S., authorizes the University President to approve, execute, and administer contracts for and on behalf of the Board of Trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the university, provided such contracts are within law and rules of the State Board of Education and in conformance with policies of the university Board of Trustees, and are for the implementation of approved programs of the university. The University President shall comply with the provisions of s. 287.055 F.S. for the procurement of professional services and may approve and execute all contracts on behalf of the Board of Trustees for planning, construction, and equipment. For the purposes of a University President's contracting authority, a "continuing contract" for professional services under the provisions of Section 287.055, F.S., is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000.

1.2. PURCHASING RESPONSIBILITY AND AUTHORITY

In accordance with BOG Regulation 18.001, the University Board of Trustees has authority to establish a system of coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University. The Purchasing Department has the duty to:

- Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.
- Remove any contractor from the University's competitive vendor list that fails to respond to three (3) or more invitations or to fulfill any of its duties specified in a contract with the University and to reinstate any such contractor when satisfied that further instances of default will not occur. A "No Bid" is a response.

- Plan and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.
- Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/ services that are frequently purchased and are available from a single source.
- Evaluate and approve contracts let by the Federal Government, other states, political subdivisions, or any independent college or university or educational cooperative or educational consortium of the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities.
- Elect as an alternative to any provision in Section 120.57(3)(c), F.S., to proceed with a competitive solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be canceled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise.
- Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or multiple state university-wide basis and the contracts may be for multiple years.
- Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.

1.3. **AUTHORITY AND RESPONSIBILITY**

The University President , under the authority of Section 1001.75(5), F.S., has delegated to several university positions, not under the supervision of the Director of Purchasing Services Department, the following contracting duties:

- **Senior Vice-President and CFO**: Approve and execute contracts for the University in the absence of the President;

- **Director of Libraries:** Approve and execute purchase orders for the acquisition of copyrighted and single source instruction materials, tapes, publications, manuscripts, films, and personal library collections acquired from the Library's operating capital outlay funds.

1.4. AUTHORITY TO SIGN CONTRACTS

Departments shall not sign contracts unless they have received delegated authority from the University President. If you sign a contact when you have no authority, you may become personally liable for the contract provisions.

There are certain contract terms and conditions which appear commonly in contracts, but are not legal for State of Florida employees to sign. Some of these are as follows:

- Governed by the laws of any state other than Florida;
- Indemnification or hold-harmless clause;
- Contracts with automatic renewals, but no cancellation or termination clause

There are other clauses required by Statutes:

- Providing for open records;
- Cancellation for lack of appopriation, if the contract continues across fiscal years.

If you have been given authority to sign certain contracts, the contract should be reviewed and approved for legal sufficiency by the Office of the General Counsel through the Department of Purchasing Services.

1.5. CODE OF ETHICS AND STANDARDS OF CONDUCT

All Univeristy personnel engaged in purchasing and related activities shall conduct business dealings in a manner above reproach in every respect. Transactions relating to expenditures of public funds require the highest degree of public trust to protect the interests of the University and the taxpayers of Florida. All University personnel engaged in the purchasing cycle, are bound by the standard of conduct for public officers and employees set forth in Chaper 112, Part 3, Florida Satutes and shall file Conflict of Interest Statement annually.

1.6. CONFLICT OF INTEREST AND GRATUITIES

1.6.1. Conflict of Interest

Except as permitted by Florida Statutes, it shall be a breach of ethical standards for any employee of a University to participate directly or indirectly in the purchasing process when:

- The employee or any member of their immediate family, will benefit from a University purchasing transaction;
- The employee or any member of their immediate family has a financial interest in a business or organization in which they will benefit from a University purchasing transaction;
- Any other person, business or organization with whom the employee or any member of their immediate family is negotiation has an arrangement for employment and will ultimately benefit from a University purchasing transaction.

Any employees have a financial interest in a private concern shall file a statement annually with the University, disclosing such interest.

1.6.2. Gratuities

It shall be a breach of ethical standards for any person to offer, give, or agree to give, any employee, or former employee, a gratuity of any kind. In addition, it shall be a breach of a standard for any employee to solicit, demand, accept, or agree to accept, from another person a gratuity of any kind, in connection with any decision, approval, disapproval, or recommendation, affecting a University purchasing transaction.

1.7. PLANNING WITH DEPARTMENTS

If a department's needs are complicated or extensive, or if a major project is being planned, the Director of Purchasing Services and

Purchasing Services staff are available to assist in planning for the acquisition of needed materials, equipment, furniture, computers, supplies, services or construction.

It is of utmost importance for departments to contact Purchasing Services first in order to learn about the sources of supply, equipment, furniture, computers or services that are readily available. This step is a time-saving step that can help meet departmental needs promptly and avoid unnecessary work.

Campus departments should also include the Purchasing Services staff in the planning process when considering the rental or leasing of equipment, rental of off-campus conference rooms or lodging rooms for employees or conference participants. These purchases are policy and procedure sensitive and require a thorough review by the Purchasing Services Department including the possible execution of bilateral agreements.

Departmental employees do not have authority to place orders with vendors or contractors for supplies or services. The authority for issuing contracts and purchase orders is with the Purchasing Services Department. Purchases made by employees without first securing a purchase order or a contract are a violation of University and state policy and must be discouraged by University management.

1.8. PURCHASES FOR INDIVIDUALS

The Purchasing Services Department is not authorized to make purchases for any individual or non-University organization.

1.9. SPLITTING OF ORDERS

The Attorney General has ruled that deliberate attempts to split orders, where the purpose is to keep the total cost of each order below the competitive solicitation threshold (\$75,000), and failure to combine orders, when practical, for the interest of economy, is an evasion of the State purchasing law and, therefore, is unlawful.

1.10. PROHIBITED PURCHASES

The University has adopted the guidelines from the Florida Department of Financial Services Rule 69I-40.103, F.A.C., for

expenditures from state funds. The purchase of items listed below, using state funds, are prohibited unless “expressly provided by law”:

- Congratulatory telegrams
- Flowers and/or telegraphic condolences
- Presentment of plaques for outstanding service
- Entertainment for visiting dignitaries
- Refreshments, such as coffee and doughnuts
- Decorative items (globe, statues, potted plants, picture frames, etc).

Section 286.27, F.S., states that no State funds shall be expended for the purchase, preparation, printing, or mailing of any card the sole purpose of which is to convey holiday greetings.

An expenditure of State funds must be authorized by law and the expenditure must meet the intent and spirit of the law authorizing the payment. The payment of items used generally for the personal convenience of employees, (example: portable heaters, fans, refrigerators, microwaves, clocks for private offices, coffee pots and supplies, etc.), and which are not apparently necessary in order for a State agency to carry out its statutory duties must provide justification for the purchase of these items or perquisite approval. State funds cannot be expended to satisfy the personal preference of employees (example: an agency may not purchase more expensive office furniture or equipment than is necessary to perform its official duties because the employee prefers a more expensive item).

1.11. PURCHASES OF FOOD PRODUCTS, MEALS AND ENTERTAINMENT

University policy prohibits the expenditure of State administered funds for food products, snacks, refreshments, lodging, entertainment or similar items with the following exceptions:

- The product is used directly in instruction or research;
- The expenditure is specifically provided for in the terms of a contract, grant or donation;
- Short course or conference fees have been collected for the purpose of paying for such items;
- Student functions, when approved by the Vice President of Student Affairs or designee.

1.12. EQUIPMENT ON TRIAL OR LOAN BASIS

Equipment placed on campus on a trial or loan basis by a vendor must have prior approval of the Director of Purchasing Services. Departments must complete **Equipment Evaluation Agreement Form** and submit to Purchasing Services for approval.

2.0 GENERAL MONETARY LEVELS AND LIMITS

- \$0 to 14,999: Informal quotation may be solicited verbally;
- \$15,000 to \$25,000: Purchases not covered by a State or University contract can be made through written quotations whenever practical. Upto two written or verbal quotes must be reference and attached to requisition;
- \$25,000 to \$74,999: Two or more WRITTEN quotations must be obtained and attached to requisition. The Director of Purchasing Services may, at his/her discretion, waive the requirement for written quotations when it is in the best interest of the University;
- \$75,000 and over: Purchases of commodities, contractual services, or deferred payments contracts in excess of \$75,000, shall not be made without competitive solicitation, unless otherwise exempted.

When quotations are not possible, the requesting department will report to the Purchasing Services the facts and circumstances surrounding the purchase (need, source, availability). The requesting department will prepare a justification memorandum and submit it to the Purchasing Services Department as an attachment to the requisition and quotation from a vendor or contractor. The Purchasing Services Department discretion and judgment when authorizing a purchase to one vendor without first securing quotations and such authorization will be recorded on the purchase order header comment.

3.0 THE PURCHASING CYCLE

The Purchasing Cycle is the normal cycle to be followed when securing goods and services by requisition through the Purchasing Services Department. User departments are encouraged to contact Purchasing Services prior to preparing a requisition to secure the correct ordering information, source of supply, prices, terms, etc.

The issuance of a purchase order requires approximately five (5) working days from the time a valid and fully completed Requisition is received by the Purchasing Services Department. Every effort is made to execute purchase orders and contracts promptly in spite of pressing activities taking place at the

same time such as closing and opening fiscal years and the allocation of University budgets.

Departments can help in this purchasing cycle, especially during peak times, by planning ahead and submitting Requisitions early and observing published deadlines for submitting requests prior to the end of the fiscal year.

The competitive solicitation process for commodities and some services requires approximately four to six weeks from the time the competitive solicitation is advertised to the issuance of a purchase order and/or contract.

Sole Source Requests purchases require approximately seven to ten working days from the time a complete Sole Source Request Form is received in Purchasing Services. Those Sole Source Requests exceeding \$100,000, requires the University President's approval.

The essential elements of a successful purchasing cycle are planning ahead, responding on time to the published deadlines for completing and submitting Requisitions and including the Purchasing Services Department in planning activities as early as possible.

3.1. REQUISITIONS

The Requisition is the most important document in the purchasing cycle. It provides the information required to initiate the purchasing transaction. Complete and correct preparation of the Requisition expedites the purchasing process. The Requisition process is used to request purchases of all goods and services through the Purchasing Services Department.

The following guidelines outline the required information when creating a Requisition in PeopleSoft. Additional procedures on creating Requisitions are available through the on-line PeopleSoft Financials training manuals:

- A detailed description of the commodity or service, as well as a quote if the purchase is over \$ 5,000, preferable from a vendor on contract. Description should also include delivery instructions and date desired;
- If using a vendor that is not in the vendor database, please have vendor complete and submit Vendor Application package, available on Purchasing Services website.
- Requisitions, that are not properly completed, may be placed on hold for the requisitioning department to supply additional information. When preparing Requisitions for items that have been previously ordered, it may be helpful to refer to the old Purchase Order or Requisition issued for the items. This will serve as a guide

for product description, vendor name and address, pricing, and special note actions.

- Requisitions are subject to audit and are also the primary means of written communication between the user departments and Purchasing Services; therefore, the following helpful hints are provided:
 - Use only common non-technical abbreviations;
 - Use the Header Comments of the Requisition to provide any special instructions, such as warranties required, phased delivery dates, requests for departures from normal purchasing procedures, special justifications, special terms or conditions to be included on the Purchase Order, etc.;
 - For Requisitions requiring oral or written price quotes, list any vendors known to be able to furnish the required items, particularly those whom you have already contacted;
 - Requisitions should be submitted to Purchasing Services sufficiently in advance of need for the goods and/or services in order to permit adherence to normal purchasing processing procedures;
 - Ensure the right category code is used;
 - Provide detailed information in the description;
 - Line items must be listed individually if more than one item;
 - Select vendor under header defaults. If vendor is not in system, e-mail purchasing@fiu.edu with the following information: Vendor name, phone number and fax number (e-mail and website are encouraged, if known). A W-9 Form must be provided by the Vendor. Vendor cannot be entered and utilized without the W-9 Form;
 - Use Standard Comments on all Requisitions under the header comment link to provide department contact information;
 - Departmental location information must be provided on distribution link from schedule tab;
 - Verify delivery location and if it is other than Central Receiving, put it under one time address link on schedule tab. The one-time address link can be used only with prior approval from Purchasing Services. Also include a statement in header comments. It is prohibited to have official shipments shipped to an individual's personal address;
 - If the Requisition is a Change Order, please put Purchase Order number in the description. Amount should be for change only;
 - Approvers should not make changes to the Requisition without the Requisition Initiator's knowledge. Requisition Initiator's are to review the online purchase order to ensure changes were not made.

- For the purpose of this section, the definition of Equipment is: equipment, fixtures and other tangible personal property of a non-consumable and non-expendable nature, the value or unit cost of which is \$1,000 or more, and the normal expected life of which is 1 year or more. If you are purchasing accessories and components that are necessary to complete a set, kit, or system, they may be included with the equipment items(s) as a part of the unit. The entire purchase will then be coded as equipment expenditure. Purchasing Services is the final authority for determination of Equipment vs. Expense and the most appropriate category code.

3.2. PRICE DETERMINATION

For requisitioning purposes, departments may obtain cost estimates from catalogs, prior orders, or vendors. When securing vendors' estimates, the Requisition initiator should be careful to avoid the impression that he or she is asking for an official bid or placing an order. Upon receipt of the Requisition, Purchasing Services will determine the method to be used to obtain the actual purchase price.

3.3. THE PURCHASE ORDER

The Purchase Order is the normal instrument by which goods and services are acquired. It is the vendor's authority to ship and to invoice for the items, terms, and pricing specified on the order. The issuance of the Purchase Order on the basis of either formal or informal quotes, initiates a contract by accepting the offer made by the vendor. It is a legal instrument and once accepted, establishes a mutuality of agreement. It has the legal force of a binding contract.

3.4. CONFIRMING ORDERS

Departments are not authorized to place orders directly with vendors for goods or services.

3.5. CHANGE ORDERS

A change order is required to:

- Decrease or increase Purchase Order quantities;
- Substitute comparable acceptable items for those on the original Purchase Order;
- Make any substantial changes on a Purchase Order that will result in a cost differential;
- Terminate the Purchase Order; or
- Adjust the Purchase Order price to conform to the vendor's invoice.

Departments may initiate requests for Change Orders with a Requisition, noting on the Requisition only those items being added, or changed. Decreases may be requested by email to the cognizant Purchasing Agent.

Unless otherwise authorized by the competitive solicitation document, Change Orders are not valid until the vendor has accepted the terms thereon.

Requests for Change Orders should not be submitted for the following transactions, since PeopleSoft Financials will automatically process payments and/or adjustments for invoiced amounts in these cases:

- Where the invoice is not more than 10% of the item(s) or in any case no more than \$100;
- When the total cost shown on an invoice is less than the purchase order cost;
- Freight bill costs when FOB block of Purchase Order indicated that freight is to be prepaid and added to the invoice.

3.6. BLANKET PURCHASE ORDERS

A Blanket Purchase Order is a simplified method of filling urgent needs for small quantities of goods or services by establishing open accounts with qualified vendors. Blanket Purchase Orders are designed to expedite the acquisition of urgently needed goods or services and to reduce administrative costs in accomplishing small purchases by eliminating the need for issuing individual Purchase Orders over the course of a fiscal year period. Competitive Solicitation limits apply to Blanket Purchase Orders.

Requisitions for Blanket Purchase Orders are prepared by the user department. One Requisition is required each fiscal year for each account and each vendor. Requisitions using grant funds, which not do expire on June 30, should show the expiration date of the grant on the Requisition. Each Requisition entered in PeopleSoft to establish a Blanket Purchase Order, must contain the following information:

- General Requisition requirements from Section 3.1;
- Suggested beginning and ending dates;
- List of names of individuals authorized to use Blanket Purchase Order;

Blanket Purchase Orders may not be used for the purchase of Operating Capital Outlay (OCO) items, prohibited purchases or to avoid purchasing from an existing contract.

Blanket Purchase Orders may be increased by the user department by submitting a Change Order Requisition to the Purchasing Department. Decreases may be requested by email to the cognizant Purchasing Agent.

Blanket Purchase Orders may be terminated by the user department by submitting an email to the cognizant Purchasing Agent. Blanket Purchase Orders may also be terminated by Purchasing Services for misuse or failure to follow the procedures set forth herein.

3.7. UNSOLICITED GOODS

Florida Statutes Section 570.545 states that a person is not obligated to return unsolicited goods to the sender. The law also states that unsolicited goods shall be deemed a gift and the recipient may use or dispose of them in any manner without obligation to the sender.

3.8. RESOLUTION OF PROTESTED SOLICITATIONS AND AWARDS

3.8.1. Authority to Resolve Protested Solicitations and Awards

Under the authority of Rule No. 6C8-7.021, of the Florida Administrative Code, The President and Director of Purchasing or the Director's designee may settle or resolve protests or aggrieved offerors and bidders concerning the solicitation or award of a contract as provided in this Rule.

The Purchasing Services Department shall give vendors notice of its decision concerning competitive solicitations and awards, as soon as practicable, by posting the intent to award on the Purchasing Services' website at <http://finance/fiu.edu/purchasing>. This notice shall include the following statement:

“Failure to file a protest within the time prescribed in Section 120.53(5), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.”

Any actual or prospective vendor who disputes the reasonableness or competitiveness of the terms and conditions of a Competitive Solicitation issued by the University must file a written notice of protest within seventy-two (72) hours after the Competitive Solicitation has been advertised. The notice of protest shall identify the protest and the solicitation involved, shall state in a plain, precise manner the nature of the protest and the facts upon which it is based, shall include applicable statutes, rules or any other relevant legal authority, and shall specify the relief which the protesting party requests. Failure to file a notice of protest or failure

to file a formal written protest shall constitute a waiver or proceedings under Rule No. 68C-7.021 and Chapter 120, F.S.

Any vendor who disputes the award of a contract by the University must file a notice of protest in writing with the Director of Purchasing Services within the seventy-two (72) hours after the notice of award has been posted on the Purchasing Services Department's website at <http://finance/fiu.edu/purchasing>. The notice of protest shall identify the protest and the solicitation involved, shall state in a plain, precise manner the nature of the protest and the facts and law upon which it is based, and shall specify the relief which the protesting party requests. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver or proceedings under Rule No. 68C-7.021 and Chapter 120, F.S.

3.8.2. Authority to Debar or Suspend Vendors

The Director of Purchasing Services is authorized to suspend or debar vendors. Debarment or suspension is a serious action which must be based on substantial competent evidence rather than mere accusation. This assessment should include an examination of basic documents, such as contracts, inspection reports and correspondence. Debarment or suspension will be for the purpose of protecting the interests of the University or the State University System and shall not be used for punishment.

The Director of Purchasing Services may debar a vendor from doing business with the University as a result of a conviction or a judgment by a court or competent jurisdiction for:

- Commission of fraud or other criminal offense incident to obtaining, attempting to obtain, or performing a public contract; or
- Violation of the federal or state anti-trust laws; or
- Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, or dealing in stolen property.

If the conviction is reversed or repealed, the Director of Purchasing Services may review the decision to debar the vendor.

The Director of Purchasing Services may also debar a vendor under the following circumstances:

- Any offense which demonstrates a lack a business integrity or business honesty; or

- Willful failure to perform in accordance with the terms and conditions of the contract; or
- A history of failure to perform, or of unsatisfactory performance, in accordance with the terms and conditions of any contract.

The Director of Purchasing Services may also suspend a vendor from doing business with the University based on evidence which might lead to the debarment of the vendor.

Proceedings for debarment and suspension shall be subject to the provisions of Section 120.57, F.S.

4.0 COMPETITIVE SOLICITATIONS

All contracts for the purchase of commodities or contractual services, exceeding \$75,000, shall be awarded pursuant to a competitive solicitation, unless otherwise authorized.

The Purchasing Services Department shall advertise any competitive solicitation for commodities and for contractual services in the Florida Administrative Weekly, The Florida Communities Network (MyFlorida.com), or the Purchasing Services website at finance.fiu.edu/purchase. The Director of Purchasing Services shall have the authority to waive the advertisement requirement when the number of potential Responders is limited and can be solicited, when the availability of funding so requires, or when delivery is urgent.

Competitive Solicitation responses shall remain sealed until notice of intent to award is given or within ten (10) days after the response opening, whichever is earlier.

A vendor may withdraw their response in writing if done within seventy-two (72) hours of the competitive solicitation opening, if the response is clearly erroneous and it is withdrawn prior to final award or the purchase order being issued.

When only one response is received to a competitive solicitation for commodities or contractual services, the University will review the solicitation response and circumstances surrounding the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not serve a useful purpose, the University will proceed with the acquisition.

When multiple responses that are equal in all aspects are received to a competitive solicitation, the University will give preference to responses that include commodities manufactured in the state, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state

to determine the contract award, or, if these conditions do not exist or are the equivalent between two or more responses, will use toss of the coin.

No purchase shall be divided or subdivided in order to circumvent the formal competitive bidding requirements.

The University shall reserve the right to reject any and all bids or proposals, and such reservation shall be indicated in all advertising and in the specifications.

The following are the general guidelines of the various competitive solicitations available:

4.1. INVITATION TO BID (ITB)

An Invitation to Bid (ITB) is a formal competitive solicitation, which is sometimes referred to as a "sealed bid". An ITB is used when price as well as specification requests, are major considerations in the award process. ITBs are used when the total cost of the commodity or service required exceeds \$75,000.00. Examples of ITB Bids are scientific equipment/services, audiovisual equipment installations, solid waste removal service, and custodial bids.

4.2. REQUEST FOR PROPOSAL (RFP)

A Request for Proposal (RFP) is a competitive solicitation, for goods or services, where factors, other than price are to be considered in the award determination. These factors may include such items as vendor experience, project plan, and design features of the product(s) offered. An RFP is used when total cost of the goods or services will exceed \$75,000.00 and the award decision cannot be made on lowest price alone.

4.3. INVITATION TO NEGOTIATE (ITN)

An Invitation to Negotiate (ITN) is a competitive solicitation, for goods or services, where factors other than price are to be considered in the award determination. These factors may include such items as vendor experience, project plan, and design features of the product(s) offered. An ITN is used when the total cost of the goods or services will exceed \$75,000.00, the award decision cannot be made on lowest price alone, and 50% or more of the procurement needs must be negotiated with the responding vendors. Examples of procurement needs for this format would be; major software purchase or acquiring consultants for design-build project.

4.4. GENERAL GUIDELINES AND RESPONSIBILITIES

Purchasing Services is responsible for the following:

- Preparation of Competitive Solicitation document;
- Schedule Competitive Solicitation response opening date and time;
- Assist user departments to finalize evaluation criteria and timeline;
- Schedule Pre-Proposal Conference, if required;
- Advertise Competitive Solicitation;
- Coordinate issue/ mailing of competitive solicitation document; and
- Open responses on scheduled opening date.
- Place Competitive Solicitation opening date and time on centralized calendar.

The user department is responsible for the following:

- Develop the specifications/requirements for the goods or services sought;
- Develop evaluation criteria to be utilized, as well as negotiation points for RFPs and ITNs;
- Develop initial timeline requirements, including Pre-Proposal Conferences, if required;
- Establish members for evaluation committee.

4.5. THE EVALUATION PROCESS

The objective of the Evaluation Committee is to recommend the vendor whose proposal is most responsive to the department's needs within available resources. The vendor must demonstrate their capability by successfully complying with all the requirements.

- Evaluation Committee will be minimum of three and maximum of seven members;
- Purchasing representative manages process as facilitator;
- All evaluation meetings are public and must be posted on official bulletin board electronically seven (7) days in advance;
- Formal minutes taken at all committee meetings by designated committee member or designated recording secretary for file documentation;
- Committee members/Purchasing representative are able to pose questions/request clarifications of vendors in written form;
- Evaluation criteria used to short list and/or make final recommendation is based on consensus score assigned by Evaluation Committee from the evaluation criteria in RFP/ITN document. May negotiate with one or more vendors based on negotiation points listed in RFP/ITN document;
- Award recommendation posted by Purchasing Services for seventy-two (72) hour protest window on official bulletin board electronically;

- Award Letter sent to selected vendor after posting period by Purchasing Services;
- Purchasing Services prepares final contract documents and forwards to General Counsel for review and approval;
- Three (3) sets of contract documents sent to successful vendor for signature, and when returned, are executed by University official (Director, Vice-President, Chief Financial Officer, Provost or President, depending on delegated authority limits);
- Copy of fully executed agreement returned to vendor, with second original filed by Purchasing Services in Competitive Solicitation folder for future reference and audit, and third copy to requesting department.

5.0 PURCHASES EXEMPT FROM COMPETITIVE SOLICIATION

The following list of commodities and contractual services are not subject to the competitive solicitation process pursuant to Rule 6C8-7.030(5)(f), Florida Administrative Code:

- Artistic services;
- Academic reviews;
- Lectures;
- Auditing services;
- Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
- Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a methods that ensures the best price, taking into consideration the needs of the client;
- Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
- Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;
- Family placement services;
- Training and education services;
- Advertising;
- Services or commodities provided by governmental agencies, another university in the state of Florida or other independent colleges and

- universities;
- Programs or continuing education events that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event;
- Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
- Regulated utilities and government franchised services;
- Regulated public communications, except long distance telecommunication services or facilities;
- Extension of an existing contract;
- Renewal of an existing contract if the terms of the contract specify renewal option(s);
- Purchases from the Annual Certification List developed by the University;
- Purchases for resale;
- Accountant Services;
- Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;
- Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; and
- Purchases of materials, supplies, equipment, or services for research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

5.1. EMERGENCY PURCHASES

The Director of Purchasing Services recommends use of the emergency purchase procedure to the President, who in turn certifies the documented conditions and circumstances of the emergency purchase.

When the President or his or her designee determines, in writing, that a condition exists that threatens the health or safety of person(s) or animal(s) or the preservation or protection of property or the continuance of a vital University function, the University will proceed with an emergency purchase without competitive solicitation. The emergency purchase shall be limited to the purchase of only the type of items and quantities or a period sufficient to meet the immediate threat and shall not be used to meet long-term requirements.

The Purchasing Services Department, after determining that a true emergency exists, obtains verbal approval from the President or his designee. A verbal purchase order may be authorized at this time. The requesting department will prepare a Requisition and an Emergency Purchase Request Form with complete justification for handling the purchase on an emergency basis. Upon receipt of the Requisition and

Emergency Purchase Request Form, the Purchasing Services Department will review the request and forward for the signature of the President or designee. A copy of the Purchase Order is then issued.

In the case of an after-hours emergency purchase or emergency purchases during University holidays, the Purchasing Director or his designee, will verbally issue emergency purchase order numbers to requesting Department from the Emergency Purchase Order log.

5.2. SOLE SOURCE PURCHASES

Under the authority of Rule No. 6C8-7.030(5) (e) 2, of the Florida Administrative Code, commodities or contractual services available from a single source are exempted from the competitive solicitation process. Sole Source documents shall be publicly posted by the Purchasing Office for three (3) working days. Working days do not include Saturdays, Sundays, or State or University Holidays.

Commodities and contractual services purchased for any amount exceeding \$75,000, available only from a single source, may be exempted from the competitive solicitation requirements when the University certifies and documents that there is only one source of supply capable of meeting the University's requirements. A purchase order may be issued for the non-competitive item(s), not exceeding \$100,000, when the **Sole Source Request** form is completed and approved by the Director of Purchasing Services and appropriate Vice President or Dean. For sole source purchases exceeding \$100,000, the **Sole Source Request** form must be completed and approved by the Director of Purchasing Services and the President or the President's designee.

The **Sole Source Request** form must be submitted to the Purchasing Services Department giving detailed justification for the sole source. Sole Source justifications shall provide proof that the commodity or contractual service is not available from another source, and shall not simply restate that the item or service is not available from another source. The **Sole Source Request** form is available for downloading from the Purchasing Services Department Home Page. The requisitioning department may enter a Requisition at the same time the **Sole Source Request** form is prepared and submitted to Purchasing Services, or may work with the Purchasing Department Representative to determine if the Sole Source is going to be approved before entering a Requisition in PantherSoft. Requisitioning departments should contact the appropriate Purchasing Services Department Representative to work out the logistics of Sole Source requests on a case-by-case basis.

Purchasing Services will research each Sole Source request. This may involve contacting vendors deemed capable of supplying the requisitioned commodity or contractual service to determine if they can offer a commodity or contractual service that will meet the specifications on the requisition. The process may take between 7 to 10 working days to complete. If a vendor, other than the one listed on the requisition as the Sole Source for the purchase, appears to be able to provide the commodity or services, a competitive solicitation will be required. If no other possible vendor is identified, the Purchasing Services Department will:

- Obtain a written quotation from the sole supplier, if not supplied by the requisitioning department.
- Prepare documentation based on information supplied by the requisitioning department and the vendor, documenting the fact that the price offered by the vendor is reasonable and acceptable when compared with another similar commodity on the market.
- Prepare documentation to support the justification on the Sole Source request and the method(s) used to verify and substantiate the justifications.
- Post a notice of the decision to issue the Purchase Order without a competitive solicitation for (72) hours, not counting the initial posting day, Saturdays, Sundays, or State or University Holidays.
- Issue a Purchase Order.
- Maintain the original approved **Sole Source Request** form and all supporting documents on file for public review.

Purchase orders issued using the **Sole Source Request** form cannot be subsequently increased by change orders in amounts exceeding the competitive solicitation threshold (\$75,000) without appropriate approval and signatures.

5.3. ANNUAL CERTIFICATION OF PURCHASES

The President approves annual certification of non-competitive purchases based on the recommendation of the Director of Purchasing. These are commodities and/or services purchased on a regular and continuing basis that have proven to be non-competitive and available from a single source.

The following categories and conditions are included in the annual certification of purchases:

Category 1: The acquisition of repair or replacement parts available from only a single source for existing equipment and systems when no other manufacturer's parts can be utilized.

Category 2: The acquisition of copyrighted and single source instructional materials, tapes, publications, manuscripts, films and personal library collections.

Category 3: The acquisition of live animals and animal feed for instructional and research efforts wherein the selection must be determined by the expert opinion of the buyer, in consideration of genetic background, quality, body weight and special diet conditions to attain the research or instructional objectives.

Category 4: The acquisition of proprietary accessories, equipment and/or supplies, including expendable items, from a single source for existing equipment and systems where no other manufacturer's product(s) can be used.

Category 5: The acquisition of proprietary services available only from a single source for existing equipment and systems where no other manufacturer's services can be used, e.g., FIU owned, rented or leased equipment (copiers, computers, special office machines, etc.); and specialized electronic equipment (security systems, energy management and control systems, etc.).

Category 6: The acquisition of renovations, modifications, maintenance or repair services for leased office or laboratory space which is specifically provided for in the lease agreement and/or are required to be accomplished by the owner/landlord and subsequently reimbursed by the University.

Category 7: The acquisition of computer software that is available only from a single source or that is necessary to perform with existing software or hardware. This includes software licenses.

5.4. SPONSORED RESEARCH EXEMPTION

Purchases for Sponsored Research projects are handled in accordance with Section 1004.22(7), Florida Statutes, which states the following:

“All purchases of a division of sponsored research shall be made in accordance with the policies and procedures of the university; however, upon certification addressed to the university president that it is necessary for the efficient or expeditious prosecution of a research project, the president may exempt the purchase of material, supplies, equipment, or services for research purposes from the general purchasing requirement of the Florida Statutes.”

Whenever a proposed purchase from Contract or Grant funds exceeds \$75,000 and conditions cited above exist, a memorandum should be sent

to the Director of Sponsored Research from the department or researcher outlining the conditions and circumstance for requesting a Sponsored Research Exemption. Copies or price quotation, and any other supporting information should be submitted with the request. The Director of Sponsored Research will determine if the exemption request is appropriate, and, if so, will prepare a certification memorandum to the President. The Purchasing Services Department will issue the purchase order upon receipt of the certification memorandum, enter and approved requisition in PeopleSoft, and all supporting documentation. Sponsored Research Exemptions should be held to a minimum and only used when absolutely justified, and there is no other alternative; e.g., Sole Source.

5.5. PURCHASE OF INSURANCE

Under the authority of Rule No. 6C8-7.030(5)(b), of the Florida Administrative Code, the University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. The following are examples of insurance coverage that may be acquired by the University:

- Physical damage on vehicle and boats;
- Inland marine on property owned, lease, or loaned to or by the University;
- Building and property damage;
- Equipment losses due to theft;
- Equipment subject to transportation;
- Loss of rental income;
- Commercial general liability insurance for scientific equipment;
- Excess general liability coverage; and
- Camps insurance

6.0 SPECIAL PROCEDURES

6.1. LEASES: INSTALLMENT-SALES ACQUISITIONS OF EQUIPMENT

6.1.1. Leases

Leases of equipment are subject to competitive solicitation requirements, if over \$75,000 annually. All leases shall contain a cancellation clause, availability of funds clause, and a stipulated lease period. Leases may contain a lease renewal option, if appropriate.

6.2. PURCHASE OF RESTRICTED ITEMS: SPECIAL HAZARD MATERIALS

The Purchasing Department will comply with all University policies, procedures and approved operating guidelines, and any applicable federal, state or local regulations that govern the purchase, delivery, use and disposal of certain restricted items – hereafter described as Special Hazard Materials (SHM). SHM items include select agents and other infectious agents, radioactive materials/devices, laser devices, defined quantities of specified hazardous chemicals, Drug Enforcement Agency (DEA) controlled substances, prescription drugs, human anatomical parts, and animals.

Certain classes of these Special Hazard Materials/Devices require specific licensing, permits, and internal pre-approvals prior to purchase. The Department of Risk Management and Environmental Health & Safety (EH&S) has been designated to provide oversight and approval of purchases of these SHM, where necessary. In accordance with University Policy, only Authorized Users (AU's) are authorized to purchase and use Special Hazard Materials. The Department of Environmental Health & Safety collaborates with the Purchasing Department to maintain compliance with this policy.

6.2.1. Select Agents

The Center for Disease Control and Prevention places special shipping and handling requirements on facilities that transfer or receive select agents that are capable of causing substantial harm to human health. The list of select agents include viruses, bacteria, and various toxins, this list is maintained and updated by the Center for Disease Control. It is important to check this list from time to time to assure that the items under consideration for purchase are not listed select agents. It is the responsibility of all individuals who wish to purchase and use select agents in any type of research to obtain all required authorization from the University and external regulatory agencies by working with the designated Responsible Official prior to attempting to purchase and use select agents. Please refer EH&S website <http://www.fiu.edu/~ehs/index-explorer.html> for authorization application.

The following procedures must be followed when ordering select agents.

- All requisitions must clearly show the type and amount of select agent being ordered
- Requisition must be routed to the FIU Biosafety Officer (BSO) for approval before they are submitted to the Purchasing Department. The Purchasing Department will not process these requisitions unless it is accompanied by the written approval from the FIU Biosafety Officer

- All select agent material must be delivered to the Department of Environmental Health & Safety for logging and record keeping at the following address:

**Florida International University
Bio-Safety Office
Department of Environmental Health & Safety
11200 SW 8th Street, CSC 162
Miami, Florida 33199**

- The authorized user will be notified by the EH&S department of the arrival of the shipment.
- The EH&S department will deliver all select agents to authorized users
- Blanket purchase orders will not be issued for SHM. Each requisition must be routed to the FIU Biosafety Officer for approval.

For additional guidance on the approval requirements for purchasing select agents, please refer to the EH&S website at <http://www.fiu.edu/~ehs/index-explorer.html>.

6.2.2. DEA Controlled Substances

Prior to placing orders to purchase controlled substances, a **Letter of Exemption for Purchase of Controlled Substance** must be obtained by the Florida Bureau of Health. Researchers must work with the FIU Controlled Substances Safety Officer to obtain the letter of exemption. All controlled substances are ordered from vendors or agencies licensed to sell and dispense them. All purchases of controlled substances must be approved by the Control Substance Safety Officer (CSSO). It is a violation of FIU policy to procure controlled substances without approval from the CSSO.

The following procedures must be followed when purchasing Schedule I and II controlled substances:

- All requisitions must be accompanied by properly completed documents
 - Form DEA-222
 - Form DEA-223 (Registration Certificate)
 - Requisitions must show the name, code, and quantity of the controlled substance the registrant is authorized to procure.

The following procedures must be followed when purchasing Schedule III, IV, and V controlled substances:

- All requisitions must have in detail the following information about the controlled substance being ordered:
 - Attach Form DEA-223 (Registration Certificate)
 - Requisitions must show name, code, and quantity of the controlled substance the registrant is authorized to procure.

Requisitions can only be submitted by individuals who are registrants or Primary (or alternate) Control Substance Officers, and are currently on the authorized list maintained by EH&S.

For additional guidance on the approval requirements for purchasing controlled substances, please refer to the EH&S website at <http://www.fiu.edu/~ehs/index-explorer.html>.

6.2.3. Radioactive Materials & Equipment & Devices Containing Radioactive Sources

The following procedure must be followed when ordering approved radioactive materials under the University's Radioactive Materials License Number:

All requisitions for radioactive materials must clearly state the following:

- Radioactive Materials
- Isotope
- Form (e.g., liquid) and chemical compound
- Activity (i.e., number of micro curies)
- Model number, manufacturer's name and address, kV and mA (voltage and current) (Radiation Producing **equipment, such as x-ray machine Only**)
- Model number, manufacturer' name and address, radioactive material, activity, model and serial number of radiation source (for device containing radiation sources)

All requisitions must be submitted to the University Radiation Safety Officer for approval before being sent to Purchasing Department

Unless otherwise specified by the Radiation Safety Officer, all radioactive materials must be shipped directly to the following address:

**Florida International University
Radiation Safety Office
Department of Environmental Health & Safety
11200 SW 8th Street, CSC 162
Miami, Florida 33199**

Please refer to EH&S **Radioactive Materials Ordering Procedures** located on their website <http://www.fiu.edu/~ehs/index-explorer.html> for forms and additional guidance.

X-ray machine will be delivered directly to the user. Upon receipt of the machine contact the RSO to enable them to register the machine with Food and Drug Administration and the Bureau of Radiation Control.

Upon receipt of the equipment containing radiation source contact the RSO to enable to conduct the required semi-annual leak test.

6.2.4. Lasers

The following procedure must be followed with ordering laser devices:

- Complete Minor Project form with Facilities Management to determine if area where laser device will be installed requires structural or electrical modifications.
- All requisitions for laser devices must include the name, address, and telephone number of the laser vendor. The description must include the following:
 - Lasing medium
 - Wavelength
 - Maximum power/energy and class of the laser device
 - Model number
 - Location where laser device will be installed
 - If a Minor Project is required, include the Minor Project Number issued by Facilities Management on the requisition.
 - Submit requisition to the Laser Safety Officer (LSO) in EH&S.
 - The LSO reviews the safety features, contacts the ordering department, if necessary, to discuss safety issues.
 - The LSO approves the requisition for purchase and forwards to Purchasing Department.

Laser devices will be delivered directly to the user. Please register with the LSO using the laser registration form located on the EH&S website to enable the LSO to register the device with the Bureau of Radiation Control.

Please refer to the EH&S **Laser Safety Manual** located on their website <http://www.fiu.edu/~ehs/index-explorer.html> for additional guidance.

6.2.5. Hazardous Materials and Scientific Equipment

All Special Hazards Materials and scientific equipment are controlled by EH&S and must be approved by them prior to submitting requisition to Purchasing Department. A list of these materials and equipment may be obtained from EH&S.

In addition to EH&S approval, if the location where equipment is to be installed requires structural, electrical, or other modifications to the location for the equipment to operate properly and safely, a **Minor Project** form must be completed and approved by Facilities Management. The minor project number assigned must be included on requisition prior to submission to Purchasing Department.

6.2.6. Human Cadavers, Skin, Blood, Bones and Tissue

The FIU Biosafety Office is responsible to authorize the purchase of Human Cadavers, Skin, Blood, Bone and Tissue. Please visit the EH&S website: www.fiu.edu/~ehs for additional guidelines, forms and procedures.

6.2.7. Animals

The U.S. Department of Agriculture requires that all animals must be bought under the supervision and assistance of a qualified veterinarian. It is the responsibility of the requesting department to obtain approval signature from the Institutional Animal and Care Use Committee (IACUC) through the Office of Sponsored Research Administration (OSRA) before submitting requisition to the Purchasing Department.

Procedures

- A copy of the research protocol requiring the purchase of animals must be e-mailed to the IACUC coordinator, Dr. Thomas Pitzer (pitzert@fiu.edu);

- The researcher must have completed the required IACUC and EH&S training courses, as well as specialized training by the attending veterinarian (if applicable);
- Once the protocol has been approved by the IACUC, the researcher receives an IACUC approval number;
- After obtaining the IACUC approval number, the researcher submits a requisition to purchase the animals.

IACUC Office

OSRA- Research Compliance
University Park, Marc 430

Contacts

Thomas Pitzer, IACUC Coordinator
Instructor - Biology
pitzert@fiu.edu
OE 273
(305) 348-1224

Chris Grayson, IACUC Administrator
Asst. Director of Research Compliance - OSRA
graysonc@fiu.edu
MARC 430
(305) 348-2494

6.3. CONTRACTUAL SERVICES

All purchases of contractual services that exceed \$75,000 are subject to competitive solicitation requirements, unless they are available from only one source in accordance with Sole Source Purchase procedures outlined in Sections 5.2 of this manual, or are otherwise exempt under Section 5.0. Upon award of a competitive solicitation, a contractual service agreement shall be completed and approved by the Office of the General Counsel, and then executed by the contractor and the Purchasing Services Department, prior to the rendering of any service by the contractor.

University personnel are not authorized to sign contractual agreements of any type with vendors. All contracts should be forwarded to Purchasing Services with a “Contract In-Take Form” (available on Purchasing Services website). The Purchasing Services Department will forward the contract to the University’s General Counsel’s Office for approval and to the Director of Purchasing, who is the University’s Contracting Officer or appropriate Vice-President if total contract exceeds \$100,000.

The Purchasing Department will issue a Purchase Order encumbering the funds and incorporating the provisions of the contract.

6.4. MOTOR VEHICLES, WATERCRAFT OR AIRCRAFT

The University shall follow the State and Federal guidelines of the Alternative Fuel Provider Program, for the purchase of motor vehicles.

6.4.1. Approval

All acquisitions of motor vehicles, watercraft or aircraft through purchase, lease, lease purchase or transfer from another agency requires prior written approval of the Senior Vice President/CFO.

6.4.2. Types of equipment

Examples of equipment coming under this area are as follows:

- Automobiles;
- Trucks;
- Jeeps;
- Buses;
- All types of tractors;
- Utility vehicles, gas or electric, two, three or four wheel, all terrain vehicles, electric golf carts, motorcycles, forklifts, street sweepers, motor graders, draglines, cranes, compaction and roller equipment; wheel and crawler loaders; refuse collection vehicles; all types of trailers, including utility, lowboy, flatbed, van, tank, boat, etc.;
- Mobile homes and offices;
- PTO operated mowers;
- All types of watercraft, including boats, motors, canoes, air boats, etc.;
- and all types of aircraft.

6.4.3. Procedures for Vehicles

- Complete the **FIU Request for Acquisition of Mobile Equipment, Vehicles, Watercraft Form**;
- Reference the State Contract number or attach a detailed specification sheet, including any optional equipment needed;
- Submit the completed form to Senior Vice President/CFO for approval;
- Submit the approved form to Purchasing Services Department;
- Complete a Requisition in the PeopleSoft Financial system.

6.5. MINOR CONSTRUCTION AND ALTERATION PROJECTS

6.5.1. Minor Construction Projects

Minor Construction Projects includes any repairs, alterations, renovations, improvements and demolition of any public facility. These projects are not to exceed \$1,000,000 unless approved by the Senior Vice President/CFO.

6.5.2. Payment and Performance Bonds

Florida Statutes 255.05 requires that any person entering into a formal contract with the University for the Construction of any public building or public work shall be required, before commencing the work, to execute a Payment and Performance Bond with a surety insurer authorized to do business in this state. However, contracts for \$100,000 or less shall not require a payment/performance bond.

6.5.3. Contractor's Affidavit and Certificate of Completion

If a construction or alteration project involves Public Education Capital Outlay (PECO) funds, and labor and costs are \$500 or more, a Contractor's Affidavit and Certificate of Completion must be executed before the Contractor's invoice may be processed for payment.

6.5.4. Partial Payments

If partial payments are to be made to the contractor, this provision must be included in the contract.

6.5.5. Responsibilities

The Facilities Management Division is responsible for the construction of new buildings and modifications of existing buildings when the costs exceed \$1,000,000.

6.6. ADVERTISEMENTS: NEWSPAPERS/PUBLICATIONS

Advertisements for legal, classified or display ads in commercial newspapers can be placed by departments using the ProCard or submit a Requisition to Purchasing Services along with the quotation, and a copy of the advertisement as it shall appear in the newspaper or publication.

Purchasing Services will process a Purchase Order and forward to the vendor.

6.7. FURNITURE AND FURNISHING

To secure durable, high quality office furniture at the best available price and the lowest furniture maintenance cost. Contact the appropriate Purchasing Agent for information on the various contracts available and vendors for flexibility in the selection of dimension and style.

6.8. MOVING EXPENSES

6.8.1. Definitions

For the purpose of clarity and uniformity the following terms shall have the meanings indicated:

- **Moving Expenses:** limited to the cost of packing, shipping, and storage of household goods or a mobile home, and reasonable expenses incurred for moving an automobile;
- **Household Goods:** personal effects and property of a current or prospective employee;
- **Mobile Home:** any vehicle that is used as a home by a current or prospective employee.

6.8.2. Exclusions

Moving expenses as defined above does not include professional equipment and/or books which are necessary for job performance and housed at the university. Requests for moving laboratory equipment and professional books should be submitted on a separate requisition. Approximate value of items to be shipped should be indicated for insurance purposes.

Expenses associated with the personal movement of the employee or family member cannot be paid.

Payment for movement of household goods is normally limited to 15,000 pounds net weight.

Moving expenses do not include unpacking.

6.8.3. Approvals Required

Payment of moving expenses for an employee is a perquisite. No formal commitment to expend funds for the payment of moving

expense should be made unless prior approval is obtained from the appropriate Vice President and/or Provost.

Proposed moves of household goods up to a total of 15,000 pounds may be approved by the Provost and/or cognizant Vice President. Moves in excess of 15,000 pounds must be approved by the President. All approvals must be obtained in advance of the move.

When payment of moving expenses for an employee is made by the University, it will be included on that employees W2 form as additional income.

6.8.4. Action by the Requesting Department

An **SUS contract** has been implemented for the purpose of employee moves, including **International moves**, and will be used for each move requested. This is not an option for the department/prospective employee. The Purchasing Services Department can be contacted for this and information concerning formal bids and/or quotations.

The department/prospective employee should select **ONLY ONE** of the contract vendors. The department/prospective employee should contact the selected company and have them come out and give an estimate for the move. The department should then submit a Requisition, including detailed information concerning the move, i.e., place of origin, date of anticipated move, address, telephone numbers, and the name of the person to be contacted. The estimate should be included with the Requisition when it is sent to Purchasing Services.

At the time the Requisition is prepared or sooner, a Request for Authority to Pay Moving Expenses form must also be prepared and approved. The department must forward the approved form together with the Requisition to the Purchasing Services Department.

Depending on the availability of funds, the department may agree to pay the entire amount of the move, or agree to pay a fixed amount with the employee paying the remainder. In this instance, the purchase order will be issued for that portion of the fixed amount authorized by the department. The employee will be responsible for paying the difference between the amount authorized by the department and the actual total cost of the move.

6.8.5. Action by the Purchasing Services Department

Upon receipt of the Requisition and approved form, a purchase order will be issued. Purchasing Services will notify the awarded carrier. Carrier will then set up with the employee a move date for re-location. New employees are not authorized to place orders directly with moving vendors. The department however, after receiving approval and Purchase Order number from Purchasing may give that Purchase Order number to the awarded carrier.

Please prepare paperwork well in advance so there is plenty of time to coordinate move. This is especially important for summer moves since it is one of the busiest times for movers.

Moving expenses paid by the University may be subject to income tax in accordance with IRS regulations.

7.0 CONTRACTS

All contracts are to be submitted to Purchasing Services for processing along with the appropriate Contract Intake Form, available at <http://finance.fiu.edu/purchasing/forms.html>. The Office of the General Counsel's policy regarding contracts states that OGC is to review, revise, and approve form and legality for all contracts valued greater than \$75,000. All contracts valued under \$75,000 shall be reviewed and revised by the initiating department and will then be spot-checked by Purchasing Services, Contracts Monitor.

The procedure for contracts valued greater than \$75,000 is as follows:

- Department reviews contract to ensure that it reflects the business deal and specifications in relation to the product or service being provided;
- Contract Intake Form and contract are submitted to Purchasing Services to the attention of the Contracts Monitor;
- Contracts Monitor submits contract documents to OGC for review, revisions, and approval;
- OGC returns revised contract documents to the Contracts Monitor at Purchasing Services;
- Contracts Monitor obtains vendor's signature and FIU representative's signature (The FIU representative who is to sign the contract is any individual with signature delegation from the President, who has supervision over the initiating department.);
- Purchasing Services dispatches any applicable purchase orders; Contracts Monitor distributes the contract along with applicable purchase orders, and

scans a copy so that it may be available electronically. (Department, vendor, and Purchasing Services each keep an original contract document.)

The procedure for contracts valued less than \$75,000 is as follows:

- Department reviews and revises contract and adds appropriate supplemental addendum per instructions from OGC training (Reviewer should ensure that contract reflects the business deal and specifications in relation to the product or service being provided and that form and legality are in line with the University requirements.);
 - There is a contract checklist available as a resource for departments for the review of contracts valued under \$75,000, available on the Purchasing website: <http://finance.fiu.edu/purchasing/procedures.html>.
- Department submits appropriate signed Contract Intake Form and three copies of the revised contract and supplemental addendum to Purchasing Services to the attention of the Contracts Monitor;
- Contracts Monitor spot checks contract to ensure that the process was followed;
- Contracts Monitor obtains vendor's signature and FIU representative's signature (The FIU representative who is to sign the contract is any individual with signature delegation from the President, who has supervision over the initiating department.);
- Purchasing Services dispatches any applicable purchase orders; Contracts Monitor distributes the contract along with applicable purchase orders, and scans a copy so that it may be available electronically. (Department, vendor, and Purchasing Services each keep an original contract document.)

7.1. GENERAL

The Purchasing Services Department shall secure term contracts whenever possible. The essential feature of a term contract is the establishment of a source, or sources of supply, for specified commodity or group of commodities or services for a stipulated price and period of time. Contracts offer the economy of large-scale purchasing, although requirements are spread over an extended period of time, such as, three (3), six (6), nine (9), or twelve (12) months, or a specified date. The specified period of time or date completes the contract.

7.2. MULTI-TERM CONTRACTS

A contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the University provided that the terms of the contract and conditions of renewal or extension, if any, are included in the

solicitations and funds are available to make purchases. Payment and performance obligations for the succeeding fiscal periods shall be subject to the appropriation of funds. Prior to the use of a multi-term contract, it shall be determined that:

- Estimated requirements during the effective period of the contract are reasonably firm and continuing; and,
- The contract will serve in the best interest of the University by encouraging effective competition or otherwise promoting economies in University purchasing. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the outstanding orders shall be paid only for supplies or services already received under the contract.

7.3. UNIVERSITY CONTRACTS

The Purchasing Services Department may establish annual contracts if purchases of a recurring nature indicate that an annual contract would be advantageous. Information as to specifications and estimated annual usage shall be coordinated with using departments. Blanket Purchase Agreement and Blanket Maintenance Agreement purchase orders may be used to consummate purchases against these contracts. The University currently has a large number of commodities and services on annual contracts. Visit the Purchasing Services website at <http://finance.fiu.edu/purchasing>, for a complete listing of current FIU contracts.

7.4. STATE OF FLORIDA CONTRACTS

The University may acquire any commodity which is available on any contract or price agreement executed by the State Division of Purchasing when such purchase is most advantageous to the University, with price, quality, performance and other factors considered. All state contract purchases by the University are exempt from competitive solicitation requirements. State Contracts are available online. Visit the Purchasing Services website at <http://finance.fiu.edu/purchasing>, to link to the State Purchasing website for a listing of available contracts. You may also contact the appropriate Purchasing agent in Purchasing Services for additional information and assistance.

7.5. COOPERATIVE PURCHASING CONTRACTS

The University may either participate in or administer definite quantity or term contracts for the acquisition of any commodity or service with one or more members of the State University System, the Federal Government, another state,

a political subdivision, or any independent college or university, educational cooperatives and consortiums. Contact Purchasing Services for information concerning these contracts.

7.6. ENTERTAINMENT AGREEMENTS

Entertainment Agreement templates are available on the Office of General Counsel website: <http://generalcounsel.fiu.edu/forms.htm>. This template was created by the Office of the General Counsel for use by University departments wishing to contract with an entertainer or performer for services. Requisitions are not created when using this form.

This form is to be filled out in its entirety by the initiating department. The department shall also obtain the vendor's signature once contract form is complete. The agreement, signed solely by the vendor, is submitted to Purchasing Services for processing. The Director of Purchasing shall sign the Agreement. If the services have been rendered prior to the date of signing or if the department is requesting a check for the date of the event, the fully executed agreement is submitted to the Controller's office for payment. If the event has not yet occurred and the vendor is to be paid after the services are rendered, the fully executed agreement is returned to the initiating department. They are to hold on to the contract until after the services are rendered, at which point they are to sign off on the last page with the date services completed and submit the fully executed agreement to the Controller's office for payment.

7.7. AGREEMENTS FOR SERVICES

Agreements for Services templates are available on the Office of General Counsel website: <http://generalcounsel.fiu.edu/forms.htm>. This template was created by the Office of the General Counsel for use by University departments wishing to contract with a vendor or an individual for a service requiring a one-time payment, to be made after the services are completed. Requisitions are not created when using this form.

This form is to be filled out in its entirety by the initiating department. The department shall also obtain the vendor's signature once contract form is complete. Additionally, a Director, Dean or Department head is to sign as the Accountable Officer, next to the vendor's signature on the form. The agreement, signed by the vendor and the Accountable Officer, is submitted to Purchasing Services for processing. The Director of Purchasing shall sign the Agreement. If the services have been rendered prior to the date of signing, the fully executed agreement is submitted to the Controller's office for payment. If the services have not yet been rendered, the fully executed agreement is returned to the initiating department. They are to hold on to the contract until after the services are rendered, at which point they are to sign off on the last page with the date services completed and submit the fully executed agreement to the Controller's office for payment.

8.0 INFORMATION TECHNOLOGY RESOURCE EQUIPMENT

8.1. DEFINITION

In general terms, information technology resource equipment is computer equipment that falls under the category of microcomputers, minicomputers, mainframes, stand-alone systems, or those integrated into any part of computer equipment, and peripherals for the above listed equipment.

8.2. GENERAL INFORMATION AND GUIDELINES

The following are general guidelines:

- The Vice President and Chief Information Officer, has the authority to approve and execute all contracts for University Technology Services up to and including the value of \$250,000. These contracts must be processed in accordance with University procedures, including legal review by the Office of the General Counsel;
- The Senior Vice President and Chief Financial Officer, has the authority to approve and execute all contracts for University Technology Services up to \$1,000,000;
- The University President, or the President's designee, approves all contracts for University Technology Services over \$1,000,000.

9.0 COMMUNICATIONS EQUIPMENT

Communications Technology Resources are subject to the same rules and regulations as Information Resource Technology equipment. In addition, the following guidelines apply:

- Communications equipment shall be approved by FIU Telecommunications Department. The Telecommunications Department will secure all necessary approvals for telephones and communications lines;
- Authority has been delegated to State Universities to acquire, lease, and use broadcast communications equipment, facilities, and services by FCC licensed broadcast stations.

Communications equipment includes, but is not limited to the following:

- Cellular Telephones
- Antennae
- Closed Circuit Television Equipment

- TV cameras, Recorders, and Monitors
- Facsimile Communications Equipment
- Intercom Systems
- Pagers (Paging Receivers)
- Radios (2-way, Portable or Vehicular)
- Security Systems
- Telephones and Telephone Equipment
- Audio Visual Equipment, such as projectors, classroom record players, small tape recorders, etc., are not classified as communications equipment for the purposes of this requirement.

10.0 GLOSSARY OF TERMS

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.

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 and software to be used pursuant to license agreements shall be considered a "commodity."

Competitive Solicitation

An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

Contractor/Vendor

A person or firm who contracts to sell commodities or contractual services to the University

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.

Extension

An increase in the time allowed for the contract period.

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 University, except as provided in Section 112.313, F.S.

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.

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.

Minority Business Enterprise

A business concern as defined in Section 288.703(2), F.S.

President

The chief executive officer of the University, responsible for its operation and administration.

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.

Purchase

An acquisition of commodities services obtained by purchase order or contract whether by rent, lease, installment- or lease-purchase, outright purchase, or license.

Purchases for Resale

The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

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.

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.

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.

Term Contract

An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed period of time.