



FLORIDA
INTERNATIONAL
UNIVERSITY

Procurement Services
Office of the Controller

Procurement Manual



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Replaces Purchasing Services Procedure Manual

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SIX STAGES OF PUBLIC PROCUREMENT

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I. Introduction

Six Stages of Public Procurement



This chapter provides an introduction to the organization of this manual of Procurement Services and basic fundamentals for individuals procuring goods and services.

I.1 Introduction to the Manual

Welcome to the official procurement manual for FIU. The *Procurement Manual* is a source for all procurement regulations issued by the Florida Board of Governors (BOG) and Florida International University (FIU) Board of Trustees (BOT). Procurement Services governs purchases made by FIU faculty and staff. The Procurement Manual serves as a resource for both faculty and staff, plus suppliers desiring to do business with FIU. In addition to identifying procurement regulations, policies and procedures, the Procurement Manual presents a roadmap of the competitive solicitation process as well as key information concerning the electronic procurement systems utilized by Procurement Services which include the following:

- PantherSoft eProcurement, known as ePro, is the module that requesters will access in order to create requisitions and begin their shopping and where buyers issue Purchase Orders.
- myFIUmarket is accessed through PantherSoft ePro and is the marketplace where all catalogs for University-wide contracts are available. The goods and services found in the catalogs have been competitively solicited and provide the best value for the University.
- Jaggaer's provides services to the University for Sourcing Director which includes electronic competitive solicitation request form, electronic solicitation notification, electronic solicitation response submission, evaluation and award notification. Suppliers are notified of the opportunity and they can submit offers electronically for the University's RFQs, ITBs, RFPs and ITNs.
- Jaggaer provides services to the University for Total Contract Manager (TCM) solution. TCM is FIU's online contract management tool used for all

Procurement Contracts. TCM is used to execute, manage and view all Procurement Contracts, utilizing DocuSign for electronic signatures.

- Should you require access to TCM as a Contract Manager, Contract Approver, or Contract Viewer or access to Sourcing Director, you may request it via the Total Contract Manager (TCM) and Electronic Solicitation Access Request Form which can be found by clicking [here](https://imagenowweb.fiu.edu/imagenowforms/fs?form=TCMForm) (<https://imagenowweb.fiu.edu/imagenowforms/fs?form=TCMForm>).
 - You will have to login with your FIU Username and Password
 - Once submitted, the form will automatically route to your HR Supervisor (and Expense Manager for the College of Business) for approval before Procurement Services receives notification of your request

Questions or comments concerning the Procurement Manual may be addressed to Procurement Services using the following contact information:

<u>PROCUREMENT SERVICES</u>	
Contact Information	
Contact	Procurement Services Campus Support Complex-4 th floor 11200 SW 8 th Street Miami, FL 33199
Phone Number	305-348-2161
Email Address	contracts@fiu.edu
Web	http://finance.fiu.edu/purchasing/

For the purposes of this document definitions are as follows:

- Procurement Professional indicates individuals in the Procurement Services Department responsible for procuring goods and services for the University.
- The terms Using Departments, Requesting Departments, Stakeholders, and FIU Entities are equivalent and indicate FIU staff, faculty and FIU departments requiring goods and/or services utilizing the services of the Procurement Services Department.

I.1.1 Purpose and Application

The purpose of the Procurement Manual is to officially publish the procurement procedures issued by Procurement Services. The procedures provided in this manual govern purchasing activities for FIU. It is the intent of the University to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process.

These procurement procedures are intended to support the following purposes:

- Establish uniform procedures consistent with the authority and responsibilities granted by the Board of Governors to the Florida International University Board of Trustees and the President towards the establishment of an effective purchasing program for the acquisition of goods and services;
- Simplify and clarify the laws, regulations and policies governing FIU procurements;
- Increase public confidence in the procurement and contract procedures utilized at the University while fostering effective competition in the marketplace;
- Increase savings in FIU procurement activities and maximize to the fullest extent possible the purchasing value of FIU's funds;
- Provide safeguards for the maintenance, quality, and integrity of the procurement systems.

NOTE: This manual supersedes the *Office of the Controller Procurement Services Procedures Manual*. This manual governs all purchases made and all solicitations publicly posted on or after the publication date of this manual.

I.1.2 Organization

The Procurement Manual is organized based on Procurement Services' *Six Stages of Procurement Methodology* with individual chapters dedicated to each of the six stages of procurement plus an Introduction chapter and a Procurement Overview chapter. The *Six Stages of Procurement Methodology* organizes the procurement process into a series of steps from the time the entity first identifies a needed good or service through contract award and contract administration. It is organized so that all applicable procedures, forms, links and information pertaining to each given stage is outlined within the section for that stage.

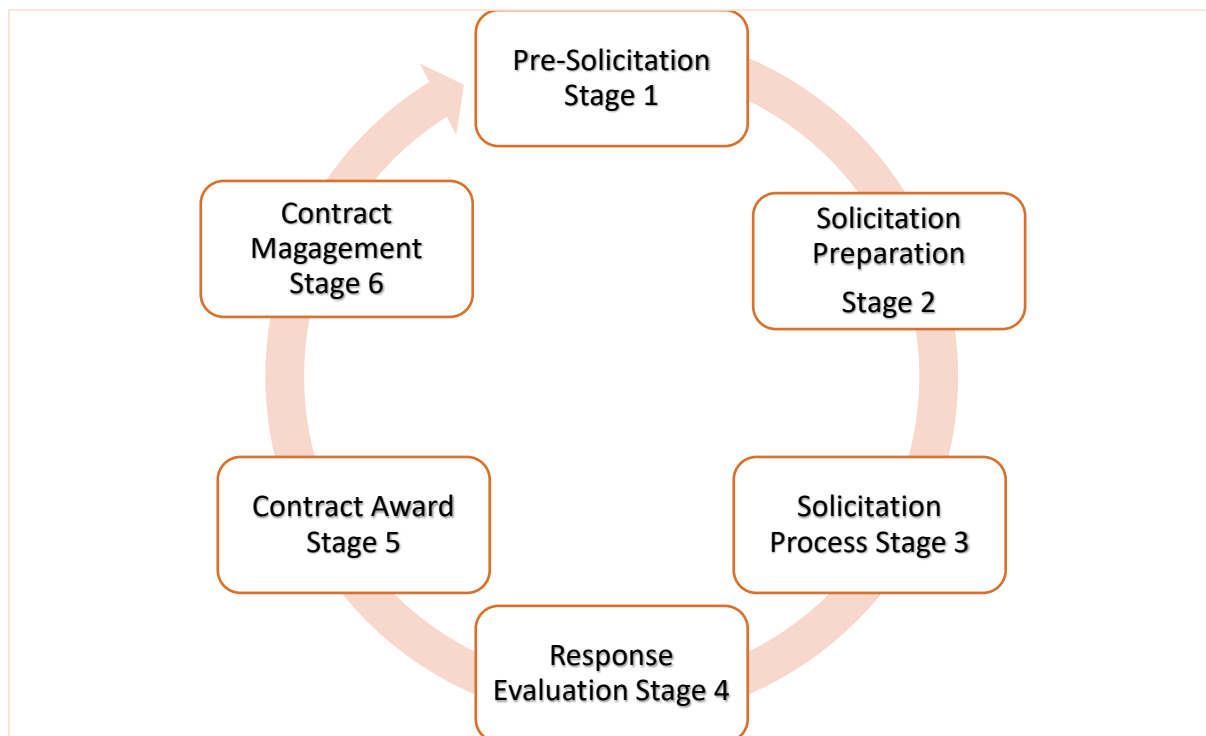
Public Procurement process is the methodical approach by which public entities, in

this case FIU performs the acquisition of goods or services that are vital to completing their assigned missions and mandates. It can be broken down into six distinct process stages:

- Stage One: Pre-Solicitation Strategy Process
- Stage Two: Solicitation Preparation Process
- Stage Three: Solicitation Process
- Stage Four: Response Evaluation Process
- Stage Five: Contract Award Process
- Stage Six: Contract Management Process

Together, these six stages form a conceptual framework for guiding the methods by which entities create and manage contracts, allowing for the purchase of goods and contractual services that meet their needs with a minimum of administrative effort.

The following graphic illustrates the six stages of procurement that make up the *Six Stages of Procurement Methodology*.



This graphic and its variations will be the primary organizational cue (visual indication to the reader) in all chapters based on this methodology and its stages. Each of these

methodology-based chapters will show the variation of this graphic with the specific stage highlighted, followed by a text description of the stage.

I.2. General Overview

This section provides an introduction to Procurement Services' procurement authority.

I.2.1 Procurement Services

Procurement Services supports the mission, purpose and goals of FIU by assisting with the purchase of quality goods and services at competitive prices. Purchasing involves the acquisition, sale, lease, license of goods and services, including but not limited to:

- Equipment
- Furnishings
- Supplies
- Facility improvement services
- Preventive maintenance services
- Software licenses
- Contractual services
- Leases of real and personal property
- Construction for the University within pre-established budgetary constraints

Procurement Services also provides assistance with the planning and preparation of competitive solicitation specifications; initiating formal quotations; proposals, and bids; conducting public competitive solicitation openings, when applicable; assisting with evaluation of competitive solicitation responses and awarding and administering contracts until final completion or termination.

Except as otherwise delegated by the President, Procurement Services is the only University department authorized to commit funds for the acquisition of goods or services and is the initial point of contact for service contracts and agreements prior to any obligation or commitment by the University.

I.2.1.1 Mission

Procurement Services mission is to be strategic procurement experts who deliver best in class, total cost reduction solutions while providing outstanding customer service and process efficiencies while complying with statutory and regulatory requirements.

I.2.1.2 Staff

Procurement Services is part of the Office of the Controller in the Division of Finance.

Organizational Chart – Office of the Controller

<http://finance.fiu.edu/controller/OrganizationalChart.html>

Organizational Chart – Procurement Services

<http://finance.fiu.edu/controller/images/PUR.pdf>

Contact and Responsibilities Listing – Procurement Services

<http://finance.fiu.edu/controller/ContactUsDept.html#PS>

I.2.2 Authority

This manual reflects statutory requirements of the State of Florida, regulations and directives established by the Board of Governors, the Florida International University Board of Trustees, and standard, best practices in the state university system of Florida and public procurement, as applicable. The requirements stated herein shall apply to all purchases of goods and services regardless of funding source unless otherwise stated.

I.2.2.1 Florida Board of Governors Procurement Related Regulations

<http://www.flbog.edu/about/regulations/regulations.php>

- BOG Chapter 1, Section 1.001 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 acquisition of goods and services. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price.

The University President is responsible for all operations of the University. 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, 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 President has delegated signature authority to only certain individuals who are listed on the Office of Controller's website at http://finance.fiu.edu/purchasing/2sig_delegation.html. These individuals are duly authorized signatories with authority to bind the University to agreements for the purchase of goods and services. Contracts, including electronic agreements, (e.g. click-through) signed and/or accepted by other employees or agents of the University shall not be binding on the University.

The President has delegated procurement authority to the Director of Libraries to 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. Procurement Services does not manage this procurement process, it is managed independently by the Library.

- BOG Chapter 14 Outlines the construction program requirements for the University and authorizes the University to enter into a "Continuing Contract for Professional Services", in accordance with Regulations 14.004 and 14.005 whereby the contractor provides professional services to the University for projects in which the estimated construction cost of each individual project under the contract does not exceed \$2 million or the fee for professional services for each individual study under the contract does not exceed \$200,000.

The FIU construction program and Continuing Contracts are administered and managed by FIU Facilities Management and are also subject to Section 287.055,

F.S. Detailed information about this program may be obtained on the Facilities Management website at: facilities.fiu.edu.

- BOG Chapter 17, Section 17.001 Authorizes the Board of Trustees or its designee to enter into leases for space in a building or any part of a building for use by a University or University direct-support organization, including those leases in a research and development park with which the University is affiliated. Leases subject to Section 1010.62 F.S. must be approved by the Board of Governors, in accordance with the Board of Governors Debt Management Guidelines.
- BOG Chapter 18, Section 18.001 Authorizes each University Board of Trustees to adopt regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring goods and contractual services, oversight of suppliers, utilization of negotiated competitive contracts let by the University or other governmental entities, not-for-profit cooperatives or consortia, or any college or university, and prohibits the University from soliciting donations from responding suppliers during the selection process, except for donations or other benefits expressly stated in the procurement document.
- BOG Chapter 18, Section 18.002 Addresses the notice and protest procedure for protests that arise from all University contract procurement processes for the purchase of goods, services, and lease and for construction-related competitive solicitations.
- BOG Chapter 18, Section 18.003 Addresses bonding requirements and allows for a certified, cashier's or treasurer's check, bank draft, bank official check or bid bond as a condition for participating in a competitive solicitation.

I.2.2.2 Board of Trustees Procurement Related Regulations

<http://regulations.fiu.edu/regulation>

- FIU 2201 Purchasing. Supplemental regulations to Chapter 18 of the Florida Board of Governors' Purchasing regulations. It provides a statement of intent and defines:

Procurement Services' duties, competitive solicitation process, purchasing actions that are not subject to the competitive solicitation process, Code of Ethics and the contract process. It also establishes the competitive solicitation threshold. When the BOG and BOT approves increases to these thresholds, it

will automatically apply to Procurement Service's Procurement Manual and procurement processes. FIU 2201 authorizes the establishment of coordinated procurement policies, procedures and practices to be used in acquiring goods and services required by the University. It authorizes Procurement Services to carry out the duties outlined herein.

- FIU 2202 Prompt Payment. States that documentation authorizing payment of an invoice shall be approved for payment no later than forty (40) days after receipt of a proper invoice and receipt, inspection, and approval of the goods or services, except that in the case of a bona fide dispute, the payment voucher shall contain a statement of the dispute and authorize payment only in the amount not disputed. Only if payment of an invoice is not issued within forty (40) days after receipt of a proper invoice and receipt, inspection, and approval of goods and services, will the University pay an interest penalty.
- FIU 2203 Authority to Debar and Suspend Vendors. Authorizes the Director of Procurement Services to suspend or debar vendors/suppliers. Debarment or suspension shall be based on substantial competent evidence. Debarment and suspension shall be imposed to protect the interest FIU. Any supplier suspended or debarred may not conduct business with the University.

I.2.2.3 FIU Procurement Related Policies and Procedures

<https://policies.fiu.edu/search/?subject=40>

FIU maintains a Policies and Procedures Library ("the Library"), which is the official repository of all approved University policies and procedures. The Office of University Compliance & Integrity is responsible for the design, implementation and maintenance of the Compliance and Ethics Program at FIU, including maintaining the Library. The Library is a valuable tool to gain greater knowledge and understanding regarding the University's Procurement related policies. Any questions regarding a specific policy should be directed to the administrative oversight office listed on the policy abstract. Some key procurement related policies are noted below:

- 140.105 Ethics in Purchasing and Gift Policy
<https://policies.fiu.edu/policy/598>

All University 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 Florida Statutes' Chapter 112, Part 3 and shall file a Conflict of Interest Statement annually.

Pursuant to FIU Board of Trustees Regulation 2201, Section 8, it shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for goods or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for goods or services.

- 150.105 Contracts Review Policy
<https://policies.fiu.edu/search/?department=1418>

The Office of General Counsel (OGC) states that OGC is to review, revise, and approve all purchasing contracts, as to form and legal sufficiency, if valued at an amount greater than \$75,000. Therefore, University Departments are responsible for the review, revision and approval of all contracts that are valued at an amount less than \$75,000. Procurement Services manages the contract review process per the procedures outlined in Contract Process workflow http://finance.fiu.edu/purchasing/Docs/ContractsUnder75K_Flowchart.pdf and herein under Stage 6, Contract Management Process.

- 1710.075 Conflict of Interest
<https://policies.fiu.edu/policy/106>

Conflict of interests, including those arising from University or outside activities are prohibited. Employees are responsible for resolving such conflicts of interest, working in conjunction with their supervisors and other University officials.

- 1930.005 Application Software Resources: Purchasing, Licensing & Use
<https://policies.fiu.edu/policy/556>

This policy ensures that the University Community understands that only legally owned software can be used on University-owned computers, servers, or networks. The list of software licenses available at FIU can be found at: <https://it.fiu.edu/panthertech/faculty-staff-softwared-services>. A list of non-

supported software can also be found there. This web page also contains a list of applications not currently supported by DOIT.

- 2350.75 Sponsored Research Purchasing Exemption
<https://policies.fiu.edu/policy/354>

All purchases on a sponsored project must be made in accordance with the policies and procedures of the University. However, upon certification that it is necessary for the efficient or expeditious prosecution of a research project, a purchase on that project for material, supplies, equipment, or services for research purposes may be exempted from the general purchasing requirements. A Sponsored Research Purchase Exemption Request will need to be completed and approved if the goods or services are not exempt and identified herein in Procurement Overview, Section II.3.2Sole Source.

- 2370.010 Export Control
<https://policies.fiu.edu/policy/130>

Any federally funded research project of Florida International University shall be conducted in accordance with applicable export control regulations.

- Signature Delegation
http://finance.fiu.edu/purchasing/2sig_delegation.html

Only the individuals listed on the Signature Delegation page of Procurement Services website and as delegated by the University President, under the authority of Section 1001.75(5), F.S are duly authorized signatories with authority to bind the University to agreements for the purchase of goods and services. Those individuals may only sign contracts that have been reviewed and revised per the contract review processes outlined herein and for the purposes delegated to them, within the dollar limits delegated.

I.2.2.4 Florida State Procurement Related Statutes

- Chapter 287 Procurement of Personal Property and Services
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287ContentsIndex.html

Defines the effective and ethical procurement of goods and contractual services through a system of uniform procedures to be utilized by state agencies in managing and procuring goods and contractual services; that detailed justification of agency decisions in the procurement of goods and contractual services be maintained; and

that adherence by the agency and the vendor to specific ethical considerations be required. The definition of agency in 287 does not include the university or college boards of trustees or the state universities and colleges, except for certain subsections of 287 that specifically include the university or college boards of trustees or state universities and colleges.

- Chapter 286 Public Business: Miscellaneous Provisions
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/0286ContentsIndex.html&StatuteYear=2015&Title=%2D%3E2015%2D%3EChapter%20286

With regard to competitive solicitations, any portion of an evaluation or negotiation team meeting where negotiation strategies are discussed, are exempt from SS 286.011, Public Meeting and Records. Meetings must be recorded and solicitation documents along with the meeting notes and recordings must be made available to the public 30 days from solicitation opening of final replies or recommendation of award whichever occurs first, per SS 119.07(1), Public Records. If the University decides to reject all solicitations and concurrently provides notice of intent to resolicit, the recording(s) of any exempt meeting(s) and all solicitation documents remain exempt for twelve months.

I. Resources

Form/Template Name/Description	Web Site/Link
Office of the Controller – Organizational Chart	http://finance.fiu.edu/controller/OrganizationalChart.html
Procurement Services – Contact and Responsibilities Listing	http://finance.fiu.edu/controller/ContactUsDept.html#PS
FIU Board of Governors Regulations	http://www.flbog.edu/about/regulations/regulations.php
FIU Board of Trustees Regulation	http://regulations.fiu.edu/regulation

FIU Policies and Procedure	https://policies.fiu.edu/search?subject=40
FIU Signature Delegation	http://finance.fiu.edu/purchasing/2sig_delegation.html
FIU Code of Ethics and Standard of Conduct Policy	https://policies.fiu.edu/policy/598
Sponsored Research Purchasing Bid Exemption	https://policies.fiu.edu/policy/354
Florida State Statues	www.myflorida.gov

II. Procurement Overview

Six Stages of Public Procurement



In order to assist the Stakeholders/Using Departments in performing their roles in the procurement process, the procurement overview chapter's goal is to detail these processes in one easy chapter.

II.1 Identify the Procurement Need

The procurement process begins with the identification of a procurement need. A procurement need is a situation where a department must purchase either a good or service to fulfill its mission.

Whatever the procurement need, there are a few critical preliminary steps that must be completed.

II.2 Develop a Procurement Strategy

Once the choice has been made to purchase the goods or services identified as a procurement need the next key question is: "Which procurement method is the most appropriate?" By answering this key question the appropriate activities needed to develop a strategy for how the procurement need will be met can be established.

You will need to review the materials of this chapter to answer the following key questions, which will help determine what steps to take next to fulfill the purchasing need:

- Is the needed good/service exempt from competitive solicitation per BOG 18.001?
- What form of procurement method should be followed?

- Can the needed good/service be satisfied through the use of an existing contract that was already competitively solicited?
- Is special approval necessary?
- What forms need to be completed?
- Does the good/service have to be obtained through a competitive solicitation process? Which competitive process do you have to utilize?
- What is the total amount to be spent on the prospective purchase (initial contract cost with all renewal costs)?

Departments are encouraged to contact Procurement Services, visit [myFIUmarket](#) and the Procurement Services website to learn about the sources for goods and/or services that are readily available. Engaging Procurement Services from the beginning is a time-saving step that can help meet departmental needs promptly and avoid unnecessary work.

II.3 Define the Procurement Method

The purchase of goods and services may fall into several categories of procurement methods:

- Emergency
- Sole Source
- Exempt
- Exceptional
- Piggy-back
- Competitive Solicitation

II.3.1 Emergency Purchases

When the University President or his designee declares an emergency in writing no Request for Emergency Purchase form is required, however, keep a copy of the state of emergency for your files, prepare a special request requisition in PantherSoft and attach a copy of the state of emergency. A purchase order will be issued if needed.

When a Department believes there isn't sufficient time to follow the competitive solicitation process due to an emergency as defined by BOT Policy FIU-2201, you can proceed with an emergency purchase by following the directions below:

- The initiating authority must secure the Dean or Department Head Signature stating an emergency.

- The department must submit a completed Request for Emergency Purchase Form to the Director of Procurement Services. If a purchase order is needed a special request requisition should be entered in PantherSoft and attach a copy of the emergency request form.
- The Emergency Request Form is located at: <http://finance.fiu.edu/controller/Forms>.
- The Director of Procurement Services will make a recommendation based on the facts presented and forward to the University President or designee for consideration.
- Upon approval from the President or his designee, the executed copy of the request will be forward to the Director of Procurement. At that time a purchase order can be dispatched for the purchase.

II.3.2 Sole Source Purchases

Goods and/or contractual services available from a single source, may be exempted from issuing a bid or quotation once the University certifies that there is only one source of supply capable of meeting the University's requirements.

When using non-sponsored funds, the Annual Certification for Sole Source Purchases lists categories as a sole source and/or non-competitive goods or services. Please review the categories that have been approved in the Annual Certification for Sole Source Purchases prior to requesting a sole source purchase at <http://finance.fiu.edu/purchasing/2procedures1.html> and the BOG regulations (Exempt Purchases & Exceptional Purchases) listed below. Any purchase from a category on these lists do not require additional documentation.

Procurement Services will research each Sole Source request by performing additional market analysis to determine if there is only one source which meets the specifications. This may take up to 7 working days to complete. If it appears as if more than one supplier can provide the goods or services, a competitive solicitation may be required.

Please refer to the Sole Source flow chart for a quick review of the process at: http://finance.fiu.edu/purchasing/Docs/Sole_Source-Flowchart .

II.3.2.1 Sole Source Purchases \$74,999 or less

When Departments want to request waiving the requirement of obtaining two or more quotes for purchases of goods and services for an amount greater than \$9,999 and less than \$75,000 (including all renewals), then the using department is required to perform the following:

- Enter a requisition in PantherSoft Financials.

- Attach a completed Sole Source Request form located at: <http://finance.fiu.edu/purchasing/Docs/solesource.pdf> and a letter from the supplier certifying the good or service is not available from another source.
- A purchase order will be issued for the non-competitive items(s) between \$10,000 and \$29,999, when the Sole Source Request form is approved by the Procurement Professional and when the procurement is between \$30,000 and \$74,999 and approved by the Director of Procurement Services.
- The approved Sole Source Request form and the letter from the supplier must be attached to the requisition before a PO can be issued.

II.3.2.2 Sole Source Purchases \$75,000 or more

For goods and services purchased for any amount for \$75,000 or more that the using department deems a sole source, then the using department is required to perform the following:

- Enter a requisition in PantherSoft Financials.
- Attach a completed Sole Source Request form located at: <http://finance.fiu.edu/purchasing/Docs/solesource.pdf> and a letter from the supplier certifying the good or service is not available from another source.
- A purchase order will be issued for the non-competitive items(s) between \$75,000 and \$100,000, when the Sole Source Request form is approved by the Director of Procurement Services and the CFO or Provost.
- A Sole Source Request form for purchases exceeding \$100,000 must be approved by the Director of Procurement Services, the CFO or Provost and the President or the President's designee.
- If no other possible supplier is identified, for purchases for \$75,000 or more and the Sole Source Request is approved, Procurement Services will post the decision to declare the purchase a sole source for 72 hours, not counting weekends or State or University holidays. After the 72 hour period, if there is no protest, Procurement Services will issue a purchase order or prepare a contract if a contract is required.
- If the sole source is tied to a contract that is not fully executed, then the PO is detained until the contract is fully executed. The approved Sole Source Request form and the letter from the supplier must be attached to the requisition before a PO can be issued.

- Procurement Services will forward a copy of the purchase order and contract to the using department once all is completed.
- The Procurement Professional records and updates the Sole Source log with the PO number.

II.3.3 Exempt Purchases

When using non-sponsored funds, the following listed goods and services are not subject to the competitive solicitation requirements per Section 6(d) of BOG Purchasing Regulation 18.001. Please see a complete listing at: <http://www.flbog.edu/about/regulations/regulations.php> Chapter 18 Purchasing Regulation 18.001.

1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services;
6. Health services;
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations;
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider;
9. Family placement services;
10. Training and education services;
11. Advertising;
12. Services or goods provided by governmental agencies, another University in the State University System;
13. Programs, conferences, workshops, continuing education events or other University programs that are offered to the general public for which fees are collected to pay all expenses associated with the event or program;
14. Purchases from firms or individuals that are prescribed by state or federal law, or specified by a granting agency;
15. Regulated utilities and government franchised services;

16. Regulated public communications, except long distance telecommunication services or facilities;
17. Extension of an existing contract;
18. Renewal of an existing contract if the terms of the contract specify renewal option(s);
19. Purchases from the Annual Certification List for Sole Sources and/or Non-Competitive goods or services. Found at: <http://finance.fiu.edu/purchasing/2procedures1.html>;
20. Purchases for resale;
21. Accounting Services;
22. Contracts or services provided by not-for-profit support and affiliate organizations or the University;
23. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; or
24. Purchases of materials, supplies, equipment, or services for instructional or sponsored research purposes.

Any purchase that falls into one of the categories above should reference the appropriate exemption on the relevant documentation. If a requisition is required, the exemption must be listed as a comment on the requisition in PantherSoft. If a department is uncertain about whether a purchase falls under one of these exemptions, please contact Procurement Services for assistance.

While competitive solicitation is not required, the exemption pertaining to certain goods and contractual services does not prohibit a department from electing to procure them through the competitive process at their discretion.

When using sponsored funds, the only exceptions allowable will be if an item is a subaward to an outside entity (as the prime contract's term and conditions flow through to the subrecipient) and handled through a separate process through ORED or meet the criteria set forth in federal regulations and approved in advance of the order/service and approved by ORED and Procurement Director through a Sponsored Research Purchase Exemption Request.

- Emergency
- Sponsor approved non-competitive proposals
- After solicitation of a number of sources, competition is determined inadequate

II.3.4 Exceptional Purchases

When using non sponsored funds, FIU is authorized to make exceptional purchases per BOG 18.001 (4) for the following goods and contractual services in which a competitive solicitation is not required, but could be used for the procurement if it's determined to be in the best interest of FIU:

1. Purchase of Product with Recycled Content and postconsumer recovered material;
2. Purchase of Private Attorney Services;
3. Purchase of Insurance;
4. Purchase of Printing. If it's determined that a competitive solicitation process would be in the best interest to FIU, then the preference provision of BOG18.001 (3)(b) shall apply, except if sponsored funds are used.

II.3.5 Alternate Purchases/Cooperative/Piggy-back Contracts

Purchases from an alternate purchase/cooperative/piggy-back contract may eliminate the need for a competitive solicitation over \$75,000. A piggy-back contract is a contract awarded through a competitive process which allows FIU to purchase the same services or goods at the same contracted terms.

Contracting utilizing piggy-back contracts is subject to internal and external review and must be consistent with the policies and regulations of FIU. Procurement Services examines and weighs multiple factors in order to determine the appropriateness of piggy-backing as a preferred methodology of procurement.

Departments should take the necessary action noted in the Piggy-back Contract Guidelines found at <http://finance.fiu.edu/purchasing/2procedures1.html>. Complete the Piggy-back Agreement Checklist and submit all requested documentation to Procurement Services at contracts@fiu.edu to process.

Once the requested information is received, Procurement Services, with the assistance of the Office of the General Counsel, will determine, whether the request to piggy-back is approved or denied. The department will be notified of the determination via e-mail. This process may take between 10 and 21 working days to complete.

- If denied, Procurement Services will assist the department to find an alternative contract or develop an FIU solicitation.
- If approved, the department enters a requisition referencing the Contract Number and Contracting Entity and attached all documentation listed above.

Procurement Services will process any needed contract documentation (such as participating addendum or piggy-back cover agreement), issue the purchase order and send all necessary documentation to the Supplier and copies of such to the department.

II.3.6 Competitive Solicitations

A Competitive Solicitation involves openly inviting all interested suppliers to submit a quotation, bid or proposal to supply the procurement need of the University. Competitive Solicitation is a fair and open method of procuring goods and contractual services that serves to ensure transparency, best value, reduces the appearance and opportunity for favoritism, and inspires public confidence in the entire procurement process.

Once you determine the total amount to be spent on the prospective purchase (initial contract cost with all renewal costs) and that it does not qualify as exceptional, exempt, sole source or emergency purchases, then you need to determine what type of competitive solicitation must be conducted. You may not split reasonably foreseeable or related purchases into two or more transactions for the purpose of circumventing the competitive solicitation requirement for purchases over \$75,000 which should include initial contract cost with all renewal costs. Appropriate action should be taken to obtain the most economical purchase. Departments must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out different items to obtain a more economical purchase.

II.3.6.1 Informal Competitive Process

Purchases with a total cost under \$75,000 can be obtained through an informal competitive process by obtaining:

- One quote for micro-purchases under \$10,000,
- Quotes must be obtained from an adequate number of qualified sources, which is a minimum of two quotes for purchases from \$10,000 and under \$74,999.

Departments may contact vendors directly for quotations or utilize Jaggaer's Sourcing Director or third party provider for electronic solicitation.

Departments may select RFQ as an option on the requisition for Procurement to automatically be notified in PantherSoft that quotes must be obtained.

Please refer to [Stage 1, Pre-Solicitation Process](#), for more information.

II.3.6.2 Formal Competitive Process

Purchases of goods, services or deferred payments contracts in excess of \$75,000 shall be obtained through a formal competitive process unless otherwise exempt. The Director of Procurement Services will determine the competitive process to be used. Invitation to Bid (ITB), Invitation to Negotiate (ITN), and Request for Proposals (RFP) are the formal competitive solicitation types.

If Procurement Services determines a competitive process is required a **Competitive Solicitation Request Form** must be completed in the Sourcing Director.

Should you require access to Sourcing Director, you may request it via the Total Contract Manager (TCM) and Electronic Solicitation Access Request Form which can be found by clicking [here](#) or located at (<https://imagenowweb.fiu.edu/imagenowforms/fs?form=TCMForm>).

- You will have to login with your FIU Username and Password
- Once submitted, the form will automatically route to your HR Supervisor (and Expense Manager for the College of Business) for approval before Procurement Services receives notification of your request

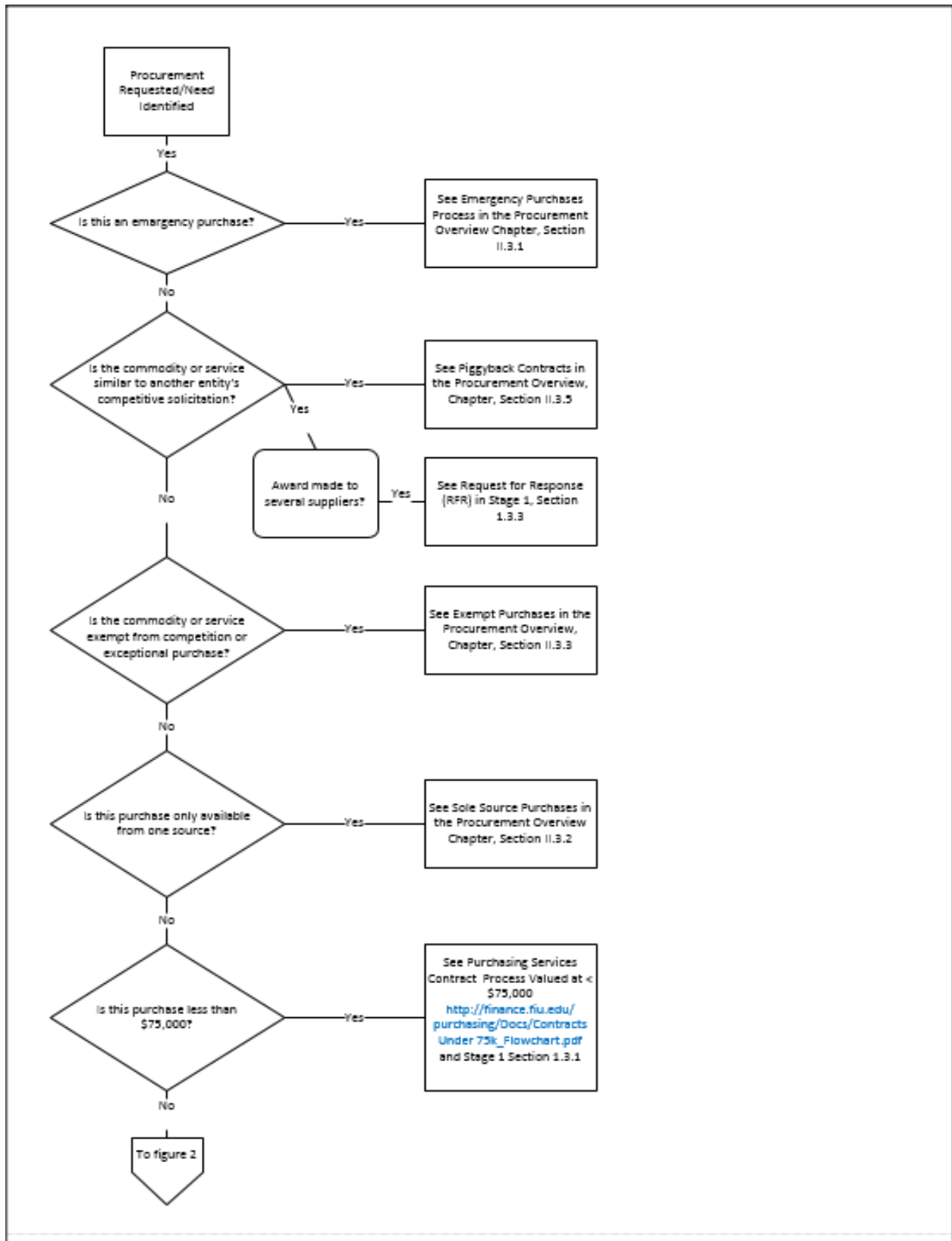
Please refer to [Stage 1](#), Pre-Solicitation Process, in this manual for more information.

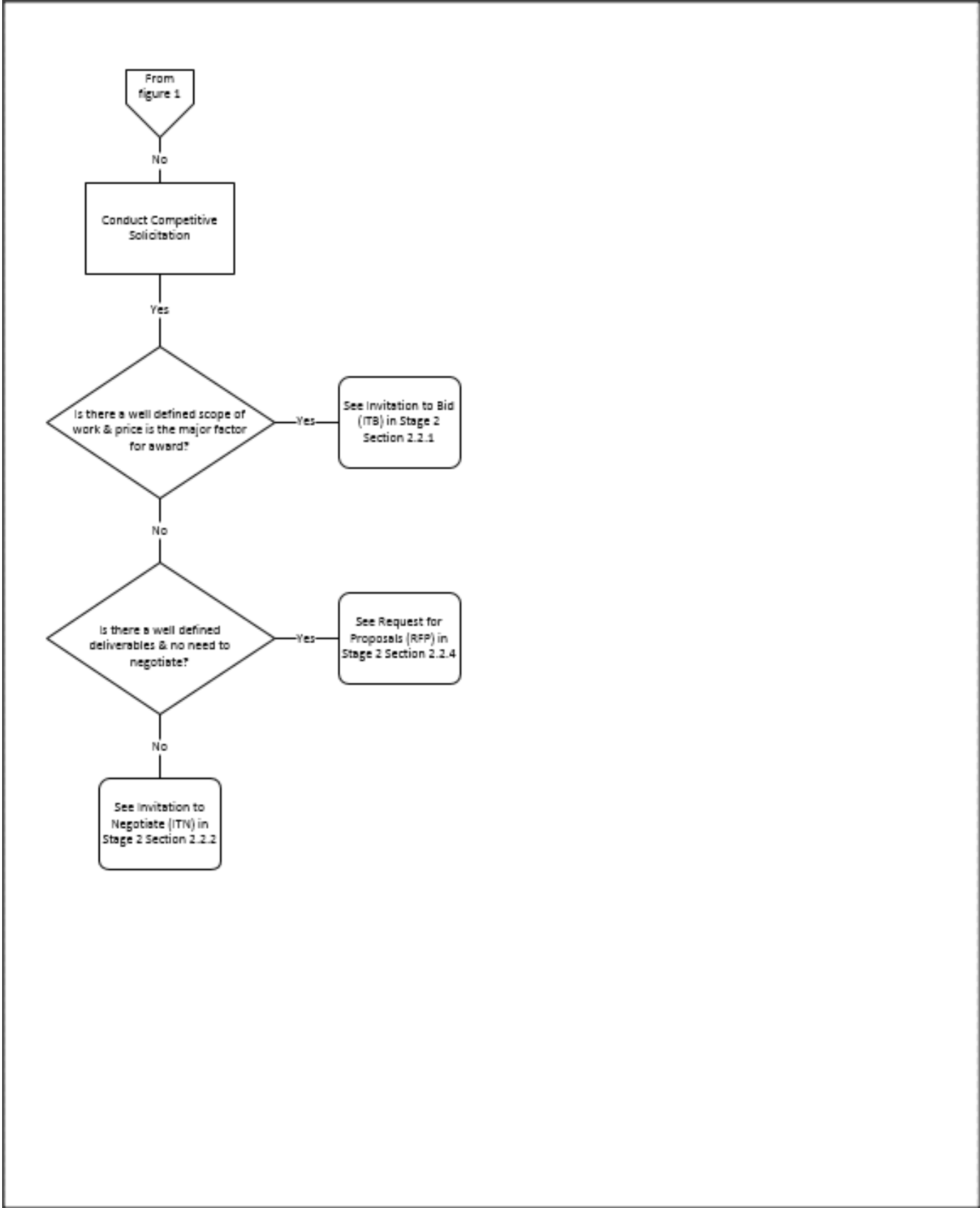
II.3.7 Procurement Decision Tree

To assist in determining which method is most appropriate to answer an identified procurement need, the Procurement Decision Tree has been developed.

The Procurement Decision Tree is a multi-page flow chart found on the following pages to provide guidance in the Procurement process.

DECISION TREE





II.4 Unauthorized Purchases

II.4.1 Purchases for Individuals

FIU entities are not authorized to make purchases for any individual or non-University organization.

II.4.2 Non-Conforming Purchase

FIU entities are not authorized to place orders directly with suppliers for goods or services for which a purchase order is required. Procurement Services is the only authorized purchasing agent for the University. If an FIU entity has an immediate need, Procurement Services may issue a purchase order with a supplier after the proper procurement method has been selected and executed. In the event that goods or services are received prior to a purchase order being issued, a Non-Conforming Purchase Justification form must be completed which is located at <http://finance.fiu.edu/controller/Forms.html>.

When an invoice has been received for goods and/or services and a PO has not been issued and payment cannot be made with a PCard or is not an allowable unencumbered payment purchase, then a Non-Conforming Purchase Justification form must be completed. Once the completed form is approved by the appropriate parties, it will be considered a non-conforming purchase and payment can be processed via the unencumbered payment form.

Unauthorized purchasing actions could be serious violations of FIU policies and state laws that could have detrimental consequences to the University's resources and reputation. Violators may be directed to pay the supplier with personal funds, and disciplinary action may be taken against the employee. The Non-Conforming Purchase Justification form must be completed in order for payment to be processed. The appropriate Expense Manager and Business Unit Head must approve all requests, in addition to the Procurement Director. The Provost and/or CFO, as appropriate, will be required to approve any non-conforming purchase requests that are over \$5,000 or if this is a third offense for purchases under \$5,000.

II.4.3 Splitting of Orders

The deliberate attempt to split orders, where the purpose is keeping the total cost of each order below bid or quote limits, and failure to combine orders when practical for the interest of economy, is an evasion of the Florida Statutes and University Purchasing Directives. The splitting of orders is a prohibited activity. Any related needs that are known or should have been reasonably known at the time of the requirement should be combined into one coherent request for procurement.

II.4.4 Purchases of a Personal Nature

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, using University funds is prohibited unless “expressly provided by law” or a clear business purpose exists. Please see Payment Services Expenditure Guide at: http://finance.fiu.edu/controller/QL_ControllerProceed.html for more information on the types of items that may or may not be purchased with the different funds.

II.4.5 Purchases of Food and Non-Alcoholic Beverages

The purchase of food and non-alcoholic beverages is restricted to only those FIU funds which allow for food purchases and all such purchases must have a clear and documented business purpose. E&G funds may not be used for this purpose. The only exception to this rule would be for the purchase of food items that are considered lab supplies (i.e. food items used as part of an experiment or that are used to feed lab animals). The University departmental card may be used for these expenditures. Please refer to the Departmental Card Guideline for additional information at:

http://finance.fiu.edu/controller/Docs/Cr_card_Sol/DC_guidelines_and_procedures_FY2016.pdg.

Employee meals when traveling and recruitment are allowed with T&E card program. Please refer to T&E Card program website for additional information at:

http://finance.fiu.edu/controller/Docs/TE_Card_Manual.pdf.

II.5 Special Approvals or Restrictions

II.5.1 Equipment on Trial or Loan Basis

Equipment placed on campus on a trial or loan basis by a vendor must have prior approval from the Director of Procurement Services. University Departments must complete the Equipment Evaluation Agreement Form located at: <http://finance.fiu.edu/controller/Forms.html#PurForm> and submit it electronically to Procurement Services at contracts@fiu.edu for review and approval prior to accepting any equipment.

II.5.2 Leases: Installment-Sales Acquisitions of Equipment

Leases of equipment are subject to competitive solicitation requirements, if over \$75,000 annually. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. All leases and financing shall be in accordance with deferred-purchase provisions in FS Chapter 287.064(1) and the Consolidated Equipment Financing Program (CEFP). Financing must include overall term, extensions renewals or financing, hereof, and does not exceed five years or the estimated useful life of the equipment, whichever, is shorter. Please refer to the website for additional information at: <http://www.myfloridacfo.com/Division/AA/StateColleges-Universities.htm>.

II.5.3 Leases of Property

Leases of property for 5,000 square feet or more of space in a privately owned building shall be competitively solicited in accordance with BOG 17.001. Please see the website for additional information at: www.flbog.edu. Please see OGC website at: <https://generalcounsel.fiu.edu/contract-forms/> for leases of property for 5,000 square feet or less of space.

II.5.4 Special Hazard Materials

Procurement Services 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). All solicitations and purchases for Special Hazard Materials will be conducted in accordance with Environmental Health & Safety approval and oversight. Please contact EH&S at 305-348-2621 or visit their website at <http://ehs.fiu.edu> for additional information for all of the following:

- Select Agents
- DEA Controlled
- Radioactive Materials & Equipment & Devices Containing Radioactive Sources
- Lasers
- Hazardous Materials, Chemicals and Scientific Equipment

FIU has partnered with Fisher Scientific to provide site support service for FIU's Research Lab Supply Store and Hazardous Chemical Tracking Management. Faculty and staff at MMC will have immediate access to the top 100 most commonly used lab supply items. You can either pick up at the store or Scientific Receiving will deliver the items from the store for order's placed online at <https://www.fishersci.com/us/en/home.html> or myFIUmarket for MMC orders.

Fisher Scientific will barcode and enter all hazardous chemicals into the EHS Assistant program at all three FIU university campuses. To help ensure that all hazardous chemicals are entered into EH&S Assistant program, hazardous chemical orders must be delivered to the defined locations below:

MMC: Scientific Receiving, CP

BBC: Central Receiving, SO1

EC: College of Engineering- EC2600 for Bio Medical, EC3678 for Civil & Environmental Engineering and EC2180 for Applied Research Center

The Lab Barcoding and Chemical Purchasing Standard Operating Procedure located at <http://ehs.fiu.edu/Programs/Pages/EHS-Assistant.aspx> will go over general requirements for hazardous chemical ordering, picking up, barcoding and removal from the PIs chemical inventory in EHS Assistant program.

II.5.4.1 Hazardous Materials and Scientific Equipment

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

II.5.4.2 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 contact the EH&S Biosafety Office at: 348-3387 for more information.

II.5.4.3 Animals

The U.S. Department of Agriculture requires that all animals must be bought under the supervision and assistance of a qualified veterinarian. Purchase and use of animals must also be approved by the FIU Institutional Animal Care & Use Committee (IACUC). Please refer to the EH&S website and the FIU IACUC website at: <http://research.fiu.edu/iacuc/index.html> for additional guidelines, forms and procedures

II.5.5 Export Controls

As ITAR inventory is restricted from foreign national access absent DDTC authorization, even where intended for use in fundamental research, it is important for Procurement to notify the Export Control Administrator of any ITAR items that are the subject of a purchase transaction that they become aware of through notification by suppliers.

Items being purchased for general research purposes which may be EAR-controlled do not require classification and Export Administrator's approval, as access to them will generally be governed under FIU's Fundamental Research Exclusion. However, there is one important exception: where such items will be used strictly for proprietary (non-FRE governed) research or fabrication purposes, the Export Administrator in conjunction with the affected parties will have to classify such items being used under these agreements to determine the export control ramifications.

Where an item is identified by a supplier as being governed by ITAR (or where Procurement has independent information that the item is ITAR-governed), Procurement shall immediately notify Export Control Administrator of such intended procurement, enabling Administrator to determine whether, in fact, the department or laboratory is equipped to restrict such item as necessary under the ITAR regulations. The procurement process of such ITAR items may not be completed until such time as the Administrator has approved of the procurement.

II.6 Payment Mechanisms

There are a number of Payment Mechanisms available to departments for the acquisition of goods and or contractual services. The purchase of goods and contractual services may be procured using the following mechanisms:

- Departmental Card
- Gift Cards
- Unencumbered Payment
- Purchase Orders

II.6.1 Departmental Card

Departmental Cards are used to improve purchasing efficiencies. The intent of the departmental card is to reduce the time and paperwork required for small dollar purchases and reimbursements currently processed through the University's financial system. All transactions placed on these cards must comply with the Credit Card Solutions Program procedures, the purchasing requirements outlined herein, and must benefit and support the University's mission of education, research and public service. Departments are encouraged to use cards to facilitate purchases and payments for the following:

- Academic Reviews
- Accreditation Fee
- All Catering Services
- Registration Fees for College Fairs, Seminars, Workshops, Conferences and Conventions
- Rentals (non-contractual)

For additional listing of allowed goods and services please refer to Departmental Card Guidelines & Procedure Manual information at:

http://finance.fiu.edu/controller/Docs/Cr_Card_Sol/DC_guidelines_procedures_FY2014.pdf, page 21, for additional information.

Purchases from suppliers found at myFIUmarket cannot be procured with a Departmental Card unless the following conditions apply: expedited orders, a supplier's website has FIU contracted pricing, price matching or furniture requiring installation (non-accountable (non-OCO) property) is needed.

- If there is a need for an expedited order, suppliers must be contracted via phone or email to ensure contract rates are adhered to by suppliers.
- If there is a need to expedite your order with Airgas outside of myFIUmarket, call 305-470-8933 and provide your ship to account number and pay with your Departmental Card.
- If there is a need to expedite your orders with Fisher outside of myFIUmarket, log in at <https://www.fishersci.com/us/en/home.html> using your FIU account number and pay with your Departmental Card.
- If there is a need for Office Depot to price match or purchase furniture requiring installation (non-OCO) please contact the Office Depot Sales representative. Once the price match order number or the furniture order number is received, please call 1-888-777-4044 and provide the order number, plus the Departmental Card number.

II.6.2 Gift Card

The University often conducts research where there is a requirement to obtain participation and/or collect information from participants. Researchers frequently find it necessary to offer incentives in order to obtain sufficient participation. Gift cards may be used within the established guidelines <http://finance.fiu.edu/controller/Forms.html#GiftCard> to facilitate making payments to participants in research studies. These incentives are subject to Internal Revenue tax laws and there are specific rules that must be followed in order for the University to remain in compliance.

Gift Cards are for the sole purpose of participant payments and cannot be used to pay trade suppliers for goods and/or services received and/or rendered or pay any type of wages for services rendered.

The Principal Investigator (PI) or designee will complete:

- (a) a *Gift Card Request Form*,
- (b) along with an online Requisition and submit for approval when completed in PeopleSoft (select the vendor from whom they will be purchasing the gift cards and include purpose of the gift cards in the Header Comments section of the Requisition, and

- c) scan a copy of the [IRB protocol document](#) and [Gift Card Request Form](#) and attach to the Requisition approving the purchase of gift cards.

Gift cards should be requested to cover disbursements for a 30-day period to avoid excess gift cards at the end of the program period.

II.6.3 Allowable Unencumbered Payment for Services

An unencumbered payment must be used as a purchasing and payment mechanism if the goods and/or services being purchased are under \$75,000 and are on the Allowable Unencumbered Payment List. Refer to the website at: http://finance.fiu.edu/purchasing/2purchasing_procedures.html for the list. These service agreements are allowable under BOG Exemption 18.001(6) (d) and must be paid utilizing this process:

- Services/Entertainment/Performance Agreement needs to be completed if the purchase is under \$75,000 requiring a single payment or for those types of services under \$5,000 and an agreement is needed by either parties, follow this process:
 - Obtain a quote with a scope of service, location and time of service, compensation, name of payee, equipment and personnel that will need to be provided by FIU, if applicable;
 - Ensure supplier is registered with FIU and has a vendor ID;
 - After services are rendered obtain an invoice with an invoice date and number;
 - Make payment via the electronic unencumbered payment form – <https://imagenowforms.fiu.edu/?form=UnencumberedVoucherFormV3>;
 - Upload the quote as supporting document to the form, along with invoice.
- If the value of services being provided is over \$5,000 and/or an agreement is needed the same process as stated above shall be followed plus the additional procedures:
 - Complete the Service/Entertainment/Performance Agreement prior to services being rendered with all necessary signatures other than the Director of Procurement
 - Submit the completed agreement to contracts@fiu.edu
 - Procurement Services will review and obtain Procurement Director's signature
 - Procurement Services will email the signed agreement to the contract person

Goods and or Services provided by Foreign vendors can NOT be paid unencumbered unless specifically required to do so by tax compliance.

II.6.4 PantherSoft eProcurement Purchase Orders

If the purchase cannot be made using a departmental card or an unencumbered payment method then the remaining option is a purchase order. A purchase order is a type of contract as it binds the supplier to provide goods or services at a specific price and binds FIU to pay said cost. A purchase order must be obtained before receiving goods and/or services.

FIU's eProcurement (ePro) is the business-to-business sale and purchase of goods and services via the internet and PantherSoft Financials. PantherSoft's ePro provides requesters with a central place to manage and track their purchase from creation of the requisition all the way to payment

The Requisition and Purchase Order cycle begins when the using department enters and approves a requisition in PantherSoft. The issuance of a special request purchase order requires approximately five (5) working days from the time a valid and fully completed requisition is received by Procurement Services, this does not include additional time needed if a contract or quotes are required. Purchase orders processed through myFIUmarket bypass Procurement Services and are dispatched within a few hours after the requisition is approved.

The competitive solicitation process for goods and some services requires approximately three to six months from the time the solicitation is advertised to the issuance of a purchase order and/or contract. Solicitations for complex services or software can take longer than six months.

II.6.4.1 Blanket Purchase Orders

Blanket Purchase Orders should be requested at the beginning of each fiscal year for suppliers from which multiple purchases of goods or services will be made throughout the year and the supplier is not on myFIUmarket, however, blanket purchase orders may be requested anytime throughout the fiscal year. Requisitions for Blanket Purchase Orders are prepared by the using department and must contain the following information:

- General description of goods or services
- Suggested beginning and end dates – normally July1-June 30
- List of names of individuals authorized to use Blanket Purchase Orders

Blanket Purchase Orders may be increased by the using department by submitting a Change Order Requisition. All non-C&G funded Blanket Purchase Orders are automatically closed on June 30.

II.6.4.2 Change Orders

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 Procurement Professional.

Request for Change Orders should be submitted for any of the following:

- Increase in quantities
- Increase in Blanket Purchase Order amount
- Substitute comparable acceptable items to original
- Substantial changes that will result in a cost differential

Request for Change Orders should not be submitted for the following transactions as PantherSoft Financials will automatically process:

- Invoice is not more than 10% of the item(s) or in no case more than \$100
- When the total cost on the invoice is less than the purchase order cost
- Freight bill costs when FOB block on purchase order indicated that freight is prepaid and added
- Additionally, change orders should not be submitted for the following transactions and you must send an e-mail to Procurement Services with your request:
 - Termination of the contract/purchase order
 - Modifications to myFIUmarket purchase order

II.6.4.3 Special Request Requisitions (non-market)

The Requisition is a critical component of the purchasing cycle. It provides the information required to initiate the purchasing transaction. The Requisition process is used to request purchases of goods and services. Requesters should always check myFIUmarket and search for the items in the marketplace first before choosing Special Requests. If the purchase cannot be made through myFIUmarket then a Special Request Requisition must be entered, along with the appropriate quote information or you can request Procurement Services to obtain the quotes.

The following information, along with any attachments must be completed on the requisition to ensure prompt issuance of the purchase order:

Detailed Item Description	Price	Quantity	Unit of Measure
Category Code	Supplier ID	Supplier Location	Supplier Name
Ship to Location	Attention To:	Activity/Project Number	Comments/Attachments

The requisition will be processed through PantherSoft workflow and the appropriate approvals must be obtained before the requisition is sourced over to Procurement Services.

If a vendor requires a signed contract in addition to a purchase order or the department determines that a signed contract is in the best interest of the University, then a purchase order with an executed contract must be issued prior to receiving the goods and/or services. All contracts will require you to create a special request requisition. The contract processes in Stage 6, Contract Management Process, should be followed.

II.6.4.4 myFIUmarket

myFIUmarket is a central marketplace where requesters can search for goods and services already under contract by the University, compare specifications and pricing between items and services, and shop directly from catalogs and contracts. New suppliers with competitively priced contracts will be added to myFIUmarket based on University wide need. Shoppers can go to myFIUmarket to compare products, add them to favorites and then assign a cart to another individual or check out. Most of the information needed to complete a requisition is prepopulated from the marketplace.

eProcurement automates internal approvals of purchase requests to improve the purchasing process and expedite orders. Orders are processed within hours through the user-friendly online marketplace.

II.7 Training

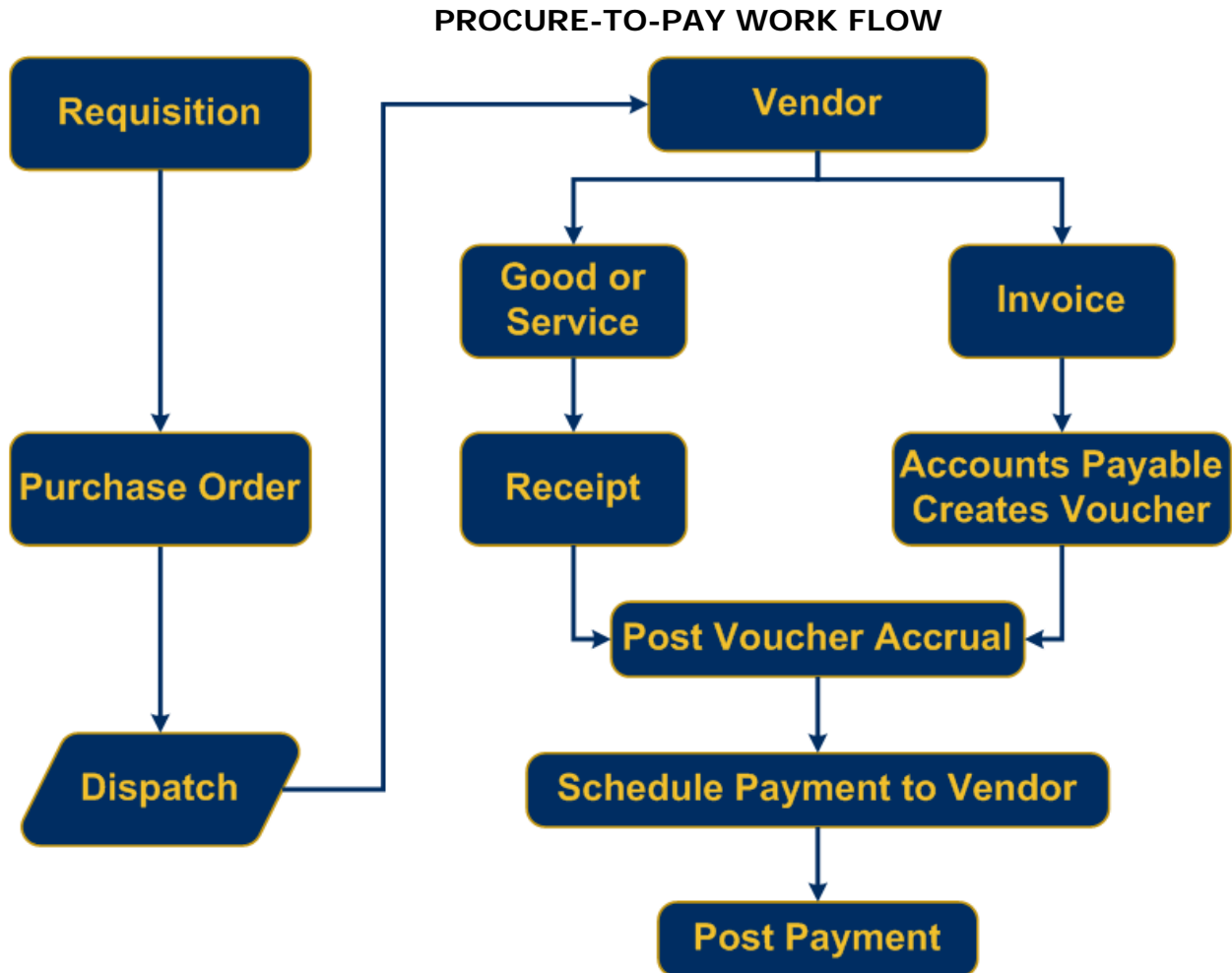
Training for faculty and staff is available through courses offered by Financial Systems and Support Services team. To register for classroom style courses please navigate to the [Training Registration Site](#). Attending the Procure to Pay course is necessary if your job duties require you to either process or approve requisitions. Reviewing the Procurement 101 presentation is also necessary which is located at: <http://finance.fiu.edu/purchasing/2procedures1.html>. Attending the Total Contract Manager course is necessary if your job duties require you process or approve Procurement Contracts. Reviewing the Procurement Contracts presentation is also necessary which is located at: http://finance.fiu.edu/purchasing/Docs/Procurement_Contracts_Training.pdf. A trainer can also visit your department, please call **(305) 348 - 7200** for an appointment. PCs with internet connection and overhead projector for presentation is required at the training location.

In addition there are online guides, tutorials and User Productivity Kit (UPK) training. The Financials System UPKs are found at <https://panthersoft.fiu.edu/online-training/>.

The end user who has a need to purchase or enter requisitions or approve requisitions should attend training so they know how to:

- Shop using eProcurement
- Understand “shopper”, “assign a cart” and “place order” options
- Create favorites and templates for frequently purchased items
- Understand the process for myFIUmarket and Special Request purchase orders
- Distinguish processes for initiating Change Orders
- Analyze the Lifespan of the Requisition (workflow)
- Receive both ePro and myFIUmarket items

The Procure to Pay Manual which provides directions for processing special request requisitions and myFIUmarket purchases is available at: <http://finance.fiu.edu/controller/FinSysandSup2.html> .



II.8 Minor Construction and Alteration Projects

Minor Construction projects includes any repairs, alternations, 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.

- Payment and Performance Bonds are required by state statute for any construction projects in excess of \$100,000. The surety insurer must be authorized to do business in the State of Florida.
- If a construction or alternation project involves Public Education Capital Outlay (PECO) funds for construction projects where labor and costs are \$500 or more, then a Contractor's Affidavit and Certification of Completion must be executed before the Contractor's final payment.

II.9 Motor Vehicles, Watercraft or Aircraft

The University follows State and Federal guidelines of the Alternative Fuel Provider Program for the purchase of motor vehicles. All acquisitions of motor vehicles, watercraft or aircraft through purchase, lease, lease purchase or transfer from another agency requires prior written approval of the department Vice President.

II.9.1 Types of Equipment

The following equipment apply to these acquisitions

- 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, 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.
- All types of aircraft

II.9.2 Procedures for Vehicles

- Complete the FIU Vehicle Justification Form located at: <https://shop.fiu.edu/retail-services/vehicle-services/vspolicy/index.html>
- Reference the state contract number and attach a detailed specification sheet, including any optional equipment needed
- Submit the completed form to department Vice President for approval
- Submit approved form to Procurement Services and complete the requisition in PantherSoft Financial System.

II.10 Information Technology Resource Equipment

Information Technology (IT) Equipment is computer equipment which includes: microcomputers; minicomputers, mainframes, stand-alone systems, or those integrated into any part of computer equipment and peripherals for the above listed equipment.

PantherSoft is programed to send requisitions to the appropriate IT approver in the IT division based on the commodity code entered by the requesting department or assigned by myFIUmarket for the purchase of IT equipment.

The Chief Operation Officer and Vice President has the authority to approve and execute all contracts for IT services up to \$250,000. Chief Operation Officer and Vice President has authority to approve and execute all amendments, addenda and related changes to master agreements that have been signed by the Provost or his delegate even when exceeding the \$250,000 authority previously delegated by the Provost.

The contract procedures stated in Stage 6 must be followed for IT equipment including legal review by the Office of General Counsel.

II.11 Communications Equipment

Communications Technology Resources are subject to the same rules and regulations as Information Technology Resources equipment. Communications equipment shall be approved by FIU Telecommunications Department. The Telecommunications Department will secure all necessary approvals for telephones and communication lines.

The University has been delegated to acquire, lease and use broadcast communications equipment, facilities, and services by FCC licensed broadcast stations.

Communication 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

Equipment not classified as Communication Equipment are: Audio Visual Equipment, such as projectors, classroom record players, small tape recorders, etc.

II.12 Moving Expenses

Moving expenses are limited to the cost of packing, transporting, and unloading of primary residence household goods or mobile home (if primary residence), and expenses for moving an automobile. "Household goods" is defined as personal effects and property. Permissible relocation expenses, expenditure limits and allowances are detailed in the University Moving and Relocation Expenses Guide at: http://finance.fiu.edu/purchasing/4contra_employee_moving_guide.html

II.12.1 Actions

The University will only directly reimburse SUS contract suppliers for moving services. A list of contracted moving suppliers are located at: http://finance.fiu.edu/purchasing/3contra_employee_moves.html

The employee may select one of the contracted suppliers for a quotation. Multiple quotations are not required. Employee sends the quotation to the hiring manager. It is the responsibility of the hiring manager to generate the requisition, ensure appropriate authorized signature is received and forwarded to Procurement Services for issuance of a purchase order. A purchase order will be issued upon receipt of approved requisition and sent to the selected carrier. New employees are not authorized to place orders directly with moving suppliers. The department, however, after receiving the purchase order from Procurement may contract the carrier & provide the purchase order number.

Human Resources Department is responsible to ensure all tax liability is addressed.

II.13 Purchase of Insurance

Under the authority of Rule No. 6C8-7.030(5)(b), of the Florida Administration 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 vehicles and boats
- Inland marine of 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
- Camps insurance

II.14 Furniture and Furnishing

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

II.15 Year-End Procedures

A memorandum will be issued every year around the end of March establishing the final dates for submittals of requisitions, requests for exceptions, change orders, competitive solicitations, contracts and sole source purchases. This memo will also include the shutdown dates for eProcurement Requisition Page. All blanket purchase orders that are not C&G funded will be closed at fiscal yearend.

II.15.1 Department Responsibilities

Departments must plan ahead and submit requisitions by the deadline stated in the memo to cover a 30-45 day supply of any goods or services anticipated needed during the system shutdown period.

myFIUmarket expedited orders can be placed on the Departmental Card, additionally, any purchase allowed per the departmental card guidelines can also be processed during the eProcurement system downtime.

Requests for exceptions to submit a requisition will only be considered on a case-by-case basis based on criterion that it was a reasonably unforeseeable need that will cause financial loss, a life-threatening condition or impact to academic instruction. All requests must be approved by the Procurement Director. Requests must be sent by email with all pertinent information and as noted above in section II.6.4.3.

All Change Orders on outstanding encumbrances must be entered and approved prior to the date set by the year-end memo.

Departments requiring a formal solicitation or as sole source using the current fiscal year funding must contact Procurement Services as early as possible, but not later than early March to determine the time frame.

II. Resources

Form/Template Name/Description	Web Site/Link
Expenditure Guide	http://finance.fiu.edu/controller/QL_ControllerProceed.html
Leases of Equipment	http://www.myfloridacfo.com/Division/AA/StateColleges
Leases of Property	www.flbog.edu
Special Hazard Materials	http://www.fiu.edu/~ehs/indexexplorer.html
Departmental Card	http://finance.fiu.edu/controller/Docs/Cr_Card_Sol/DC_guidelines_procedures_FY2014.pdf
Gift Card	http://finance.fiu.edu/controller/Forms.html#PartForm http://finance.fiu.edu/controller/Forms.html#GiftCard

Allowable Unencumbered Payment List	http://finance.fiu.edu/controller/Forms.html
Unencumbered Payment Process	http://finance.fiu.edu/controller/Docs/AllowableUnencumberedPaymentProcess_PurchasesLessThan75k.pdf
Annual Certification	http://finance.fiu.edu/purchasing/2procedures1.html
Hazardous Chemicals	Lab Bar-Coding and Chemical Purchasing
Emergency Request Form	http://finance.fiu.edu/controller/Forms
Sole Source Flowchart	http://finance.fiu.edu/purchasing/Docs/Sole_Source-Flowchart
Procure to Pay Manual	http://finance.fiu.edu/purchasing/Docs/solesource.pdf
Vehicle Justification	https://shop.fiu.edu/retail-services/vehicle-services/vspolicy/index.html
User Productivity Kit	https://panthersoft.fiu.edu/online-training/
Unencumbered Payment Form	https://imagenowforms.fiu.edu/?form=UnencumberedVoucherFormV3
FIU Moving Expenses Guide	http://finance.fiu.edu/purchasing/4contra_employee_moving_guide.html

1.0 Stage One: Pre-Solicitation Process

Six Stages of Public Procurement



The goal of Stage One is to thoroughly develop the background information which is essential for a successful competitive solicitation and to decide which of the competitive solicitation methods is the most appropriate for a particular procurement.

1.1 Identify Scope of Need and Corresponding Stakeholders

To begin the process of analyzing the purchasing need, it is critical to both understand the scope of the need as well as identify stakeholders (i.e., individuals from the using department that are subject matter experts who have an interest in the needed goods or services). Correctly identifying the scope of the need and corresponding stakeholders is essential to ensure the solicitation process will result in a contract which matches the needs of the University.

The scope of the need refers to the factors defining the range or span of the purchase. For example, is this a reoccurring need such as ongoing janitorial services which are needed on a frequent or continuous basis? As another example, is this a good that is only needed by one individual within the University or a good that is needed by several departments? Procurement Services must work to identify the scope of the need by consulting with identified stakeholders as well as reviewing the University's historical purchases or usage of the identified goods or services.

This analysis will assist in identifying all stakeholders. A market analysis should also be performed to find available goods, services and sources of supply and to help in developing a solicitation that is not biased in favor of a single source of supply. Some market analysis informational resources are:

- The Internet
- Industry or Trade Organizations
- Consultant or Expert Reviews
- Advertisements
- Industry Publications

The Procurement Professional will assist the stakeholder in performing the analysis (i.e. estimated costs; scope of the need, availability; etc.) in order to confirm the stakeholders needs and for the stakeholders to determine whether the requested goods or services may be acquired for the budgeted amount.

For purposes of this chapter, stakeholders will assist in the identification of critical business requirements. Stakeholders will also assist in developing the solicitation

and serving as evaluators and/or negotiators during the solicitation process, as needed. Likewise, the Procurement Professional will use data gathered during analysis of the scope of need to develop the solicitation and evaluation requirements.

1.2 Request Information from Suppliers

As potential suppliers are identified, the Procurement Professional may contact potential suppliers directly to request information. The Procurement Professional may contact suppliers informally such as by e-mail or phone or a more formal method such as the Request for Information. However, if a supplier participates in the drafting of a solicitation, they are not eligible to participate in the competitive solicitation or be awarded any contract with FIU for any goods or services related to said purchase or need.

1.2.1 Request for Information (RFI)

A Request for Information (RFI) is a semi-formal method for requesting information from suppliers who have knowledge or information about an industry, goods, or services. The Procurement Professional will work with the department to use this method if there is not enough information or knowledge about the services needed to develop a statement of work or for goods where product specification and knowledge is needed for a solicitation. The very reason for conducting an RFI is that all information collected may be used in compiling the solicitation without precluding any supplier who responded to the RFI from later responding to the competitive solicitation or being awarded a contract.

The RFI should, at a minimum, generally describe the needs, identify what information is desired from the suppliers, and provide the method for receiving the requested information. The RFI should be posted on the University's web site for any period deemed desirable by the Procurement Professional.

The RFI is not a competitive solicitation and as a result, does not satisfy the requirement for competitive bidding. The RFI is only a method for information gathering which may or may not be used in the competitive solicitation process.

Suppliers are not required to respond to the RFI and a supplier's failure to respond does not preclude him from bidding.

1.2.2 Pre-Solicitation Conferences/Presentations

Another source to consider is a pre-solicitation conference/presentations. These conferences are held before posting a competitive solicitation and allows the supplier community to provide feedback that may lead to developing a solicitation. This conference shall be advertised on the University web site. This is a public meeting and should be recorded or high-level minutes must be taken.

The pre-solicitation conference may be used in conjunction with the Request for Information (RFI) process or independently. This is considered a public meeting and should be recorded or high level minutes must be taken.

1.3 Identify the Correct Competitive Solicitation Method

Once the stakeholders and scope of need have been identified, solicitation team has been formed, and market analysis has been conducted, the next decision is which competitive solicitation method is most appropriate to fulfill your procurement needs. In this step Procurement Services must identify the best solicitation method. Solicitations are used to solicit offers from suppliers to sell goods or services. A solicitation may be cancelled by Procurement Services at any time and should not be construed as an order for any University departments to make any purchase or other commitment.

Approved solicitation methods are limited to:

- Request for Quotations
- Request for Responses (RFR)
- Invitation to Bid (ITB)
- Invitation to Negotiate (ITN)
- Request for Proposals (RFP)

All methods of solicitation can be done electronically utilizing our web based service provider Jaggaer. To learn more about conducting an electronic solicitation contact contracts@fiu.edu. With the exception of Request for Quotations and Request for Responses, all solicitation methods are conducted through a formal sealed solicitation process. In the formal sealed solicitation process, suppliers' submitted offers are kept confidential and not opened until after the solicitation has closed. Each one of the solicitation methods has specific strengths and weaknesses that are discussed in the following sections. The Procurement Decision Tree in Procurement Overview is also provided to assist in identifying the most appropriate solicitation method. Stages Two through Six in this Procurement Manual further defines the steps for conducting formal competitive solicitations.

1.3.1 Spend Threshold

To determine if a quote or a formal sealed solicitation process is required, the total amount that will be spent on the prospective purchase for the term of the contract must be considered, not just the first year.

To determine the total cost of a purchase consider the following:

- For goods it's the total cost of all goods to be purchased from the supplier to meet the need, including any anticipated future goods that will be needed from said supplier.

- For services it's the total cost including all payments for services and reimbursements to be paid to a supplier for the services needed. This should include current and anticipated future needs; initial contract term costs and all potential future renewal contract costs should be considered.
- \$0 to \$9,999: At least a single written quotation must be obtained from a supplier and attached to the requisition in PantherSoft. Though not a requirement, Procurement Services recommends obtaining additional quotations whenever possible to ensure that the best value is being obtained by the University. Specifically, if the goods or services are being purchased by the department for the first time, an additional quotation is valuable, as it will serve as a benchmark to ensure that best value is obtained. All quotations should be referenced and attached to the requisition in PantherSoft.
- \$10,000 to \$74,999: **Quotes must be obtained from an adequate number of qualified sources, which is a minimum of two** written quotations from two suppliers and attached to the requisition in PantherSoft; the selected quotation will be incorporated into the Purchase Order by Procurement Services.
- Over \$75,000: A formal sealed solicitation must be obtained. Contact Procurement Services and complete the **Competitive Solicitation Request Form** located at: <http://finance.fiu.edu/controller/Forms.html>

1.3.2 Request for Quotations (RFQ)

An RFQ is used when the specifications are exact and price is the major consideration in the award process and the total amount of the purchase is under \$75,000. Procurement Services may assist the using departments with obtaining quotations for goods or services. A RFQ should be prepared and processed using a web based procurement solution (Jaggaer) or via e-mail. The RFQ should identify the lowest, priced responsive, responsible supplier(s) for award.

1.3.3 Request for Responses (RFR)

This solicitation method is used with Alternate Purchases/Piggy-back Contracts. When a governmental entity has competitively awarded a contract to several suppliers, RFR may be used in order to ascertain the best price for the goods or services. A RFR will be issued to the awarded suppliers, from a competitive solicitation, requesting the "best and final offer" BOFO. For example a RFR may be used with GSA awarded suppliers.

1.3.4 Invitation to Bid (ITB)

The ITB is a formal competitive solicitation method used when the total cost of the goods and/or services required exceeds \$75,000, there is clear and accurate specifications and the objective of the solicitation is to identify a supplier who can provide the required specifications at the best value to the University (typically the lowest cost).

In an ITB, suppliers may be asked to submit pass/fail qualifying information, such as licenses, references and manufacturer's certifications, but are compared to each other only according to prices, discounts, rebates etc. Discussion following receipt of bids are either not conducted, or are limited to seeking clarification of some aspect of the bid otherwise there is a danger of appearance of negotiation. The ITB process identifies the responsive and responsible bidder(s) offering the best overall value for contract award; provided, however, no contract award will be made to the bidder with the best value if Procurement Services determines the best value bidder cannot clearly perform the contract requirements.

Examples of procurement needs for this format would be purchase of basic services (i.e. disposal of waste materials) and purchase of specific goods (i.e. paper products).

1.3.5 Invitation to Negotiate (ITN)

This solicitation method is a competitive solicitation for goods and or services, where factors other than price are to be considered in the award determination. These factors may include such items as supplier experience, project plan, design features of the product(s) offered and scope of services. An ITN is used when the total cost of the goods or services will exceed \$75,000, and there is a broad scope or goal. An ITN is used to determine the best method for achieving a specific goal or solving a particular problem and to identify one or more responsive suppliers with which the University can negotiate to receive the best value. ITNs are used when the Procurement Professional believes that best value will be obtained by holding discussions and negotiations with top respondents or where the University would benefit from giving respondents the opportunity to improve their offers, or where modifying the University's initial requirements to more closely match the offerings and capabilities of respondents is most advantageous.

This method allows both parties to more easily correct errors during the process, consider innovative solutions and adjust requirements and offers to best meet the goals and provide the best value.

Examples of procurement needs for this format would be major software purchase or acquiring consultants or professional services or any time negotiations with suppliers may be needed to obtain the best value.

1.3.6 Request for Proposals (RFP)

This solicitation method is used for the acquisition of goods and or services when factors other than price are to be considered in the award determination. These factors may include such items as supplier experience, project plan, design features of the product(s) offered, and scope of services. Negotiations are limited in this process and may only take place with the recommended supplier(s). Price and clarifications as outlined in the RFP document are normally the only factors negotiated with the number one ranked supplier.

Examples of procurement needs for this format would be software purchases and acquiring consultants where multiple rounds of negotiations with multiple suppliers will not be needed.

2.0 Stage Two: Solicitation Preparation Process

Six Stages of Public Procurement



The goal of Stage Two is to prepare and review the competitive solicitation before it is released to the supplier community.

2.1 Introduction to the Solicitation Preparation Process

The Procurement Professional has identified the stakeholders, identified the suppliers, conducted market analysis and selected the best formal solicitation method (ITB, ITN, RFR, RFP) to acquire the needed goods/services. The Procurement Professional, with assistance from the stakeholders, will construct the solicitation, develop the evaluation criteria, and contract template as applicable working with the evaluation team as needed. The solicitation process is a lengthy one, generally requiring multiple reviews and fine tuning of language. As such, Stage Two through Stage Six of the process can take four to six months prior to the potential contract's anticipated effective date, depending on the procurement method and complexity of the solicitation. Work may not begin or goods delivered until final execution of a contract.

Each solicitation will contain an objective, scope of work or goal, general instructions to the supplier regarding the supplier's preparation and submission of its response, as well as the selection process for award of a contract. No work may begin or goods received prior to final execution of a contract.

At a minimum all competitive solicitations must identify:

- The Solicitation Title and Number
- The Authorized FIU Procurement Representative
- Calendar of Events
- Solicitation Response Instructions, Due Date and Time, and Location for delivery and/or public opening (if applicable)
- Evaluation Criteria (if applicable)
- Terms and applicable Renewals
- Scope of Work, Specifications and Deliverables or FIU Goal
- Selection Process

2.1.1 The Procurement Professional

The Procurement Professional serves as the sole point of contact for potential respondents from the issuance of the competitive solicitation until contract award.

The Procurement Professional is knowledgeable with the procurement process and capable of answering general questions regarding the competitive solicitation while relying on subject matter experts to assist with answering technical questions about the goods or services being procured.

2.1.2 The Procurement File

When the solicitation process begins a procurement file is created and maintained in Procurement Services. This file contains information related to the procurement project, including the research and documentation created and collected during the Pre-Solicitation Process, and information developed through the subsequent stages regarding the selection criteria and process leading to a contract, being executed, if needed.

2.1.3 Stakeholders (Using Department)

As mentioned in Stage One, stakeholders are individuals who have an interest in the goods or services identified in a procurement need. Stakeholders have first-hand knowledge of how a good or service will be purchased and used by the department. Successful solicitations and contracts are written with as much input from the stakeholders as is feasible. Stakeholders are normally the subject matter expert and should be included as evaluators and members of the negotiation team, when applicable.

2.1.4 Third Party Consultants

Solicitations which have highly technical or complex requirements may require additional support from a third party consultant to assist in the development of the solicitation. A *third party consultant* is an individual or company that is contracted by FIU to develop or draft specifications, or requirements for utilization in a solicitation. Third party consultant may also serve in a consultative role during evaluations and/or negotiations.

Where a third party consultant is utilized, Procurement Services conducts the solicitation process and remains as the facilitator.

Any third party consultant who develops or drafts specifications or requirements for a solicitation is prohibited from submitting a proposal in response to that solicitation. They are prohibited from working on any contract or subcontract directly resulting from the particular solicitation.

2.2 Action Taken Based on Solicitation Method

Once the Procurement Professional has determined the formal competitive solicitation method (ITB, ITN, RFR, or RFP), the solicitation documents will be developed utilizing the appropriate template located at: <http://finance.fiu.edu/controller/Forms.html> and the necessary action will be taken.

2.2.1 Invitation to Bid (ITB)

An ITB may be used where detailed specifications and requirements are outlined with price being the major consideration for determining award.

2.2.1.1 Stakeholders/Using Department Responsibility

The using department is responsible for the following information with the assistance of the Procurement Professional, as needed:

- Submit Special Request Requisition in PantherSoft with a price sheet and a completed Competitive Solicitation Request Form
- Develop the scope of work, deliverables and specifications for goods or services including the price sheet
- Develop initial calendar of events, including possible pre-conference requirements
- Develop a list of potential suppliers
- Review the bid tabulation with the Procurement Professional
- Review the Procurement Professional's suggested recommendation of the most responsive, responsible bidder with the lowest price and approve award recommendation.

2.2.1.2 Procurement Professional Responsibility

The Procurement Professional is responsible for the following:

- Work with the using department identifying the minimum good and or/service requirements which may be one or more of the following: performance specifications; technical specifications; design specifications; minimum specifications; brand names.
 - Performance Specifications are based on the expected result, or performance of a product or service or the minimum acceptable level of performance.
 - Technical Specifications may include a description of the functional requirements of the end user. Neither the manufacturing process nor product composition is specified, but is left to the supplier to decide the best way to meet or exceed the requirements. This type of specification assures compliance with requirements and in case of failure, the responsibility lies with the contractor. In addition, if specified in the solicitation, it assures inclusion of all applicable new product developments.
 - Design Specifications focus on how a product is made rather than what it does. Design specifications frequently use physical dimensions to describe the product. When at all possible, group terms (such as type, grade, class, & composition) should be used to designate items, and if further clarification is needed, then specify classifications (such as style, color, form, weight, and size) suitable for reference. Design specifications tends to restrict competition, and in cases of failure, the responsibility lies with

the University. In addition, the cost of inspection to assure compliance, may be costly.

- Brand or Trade Name Specifications designates a specific product of a manufacturer as an example of quality level of materials and workmanship desired and/or functionality needed. When used, the brand name specifications should indicate that the brand is used merely as a reference and not as a statement of a preference for the specific product cited. The phrase “approved equal” after the reference brand name and model number should always be inserted to indicate that items equivalent in quality to the specified brand names will be acceptable.
 - All specifications shall include deliverables, and/or timeline; special requirements; miscellaneous terms, i.e. samples, warranties, etc.
- Finalize calendar of events and ITB requirements
 - Schedule pre-proposal conference, if applicable
 - Finalize the ITB document for advertisement
 - Assist using department with potential supplier list
 - Advertise the solicitation and post on e-bidding web sites
 - Schedule ITB opening
 - Conduct e-bid acceptance
 - Review bids to ensure responsiveness of the bids and responsibility of bidders
 - Prepare bid tabulation
 - Suggest the most responsive, responsible bidder to the using department for recommendation of award
 - Prepare and post the Intent to Award for 72 hours
 - Take the necessary action to get the contract fully executed and the PO issued.

2.2.1.3 Award and Contract Process

The Intent to Award is posted for 72 hours. The contract is prepared for review by the Office of the General Counsel (OCG) and the designated FIU signatory executes once the contract has been approved by the OGC and signed by the supplier. Copies of the contract are distributed to the awarded supplier and the using department. Please refer to Stage 5, Contract Award Process, Section 5.2 for additional information.

2.2.2 Invitation to Negotiate (ITN)

The ITN is a solicitation method which is intended to determine the best way for achieving a specific goal or need or solving a particular problem and identifies one or more responsive suppliers with which the University may negotiate in order to receive the best value. Factors that may be used to determine the best method may include supplier experience, project plan, design features of the product(s) offered, scope of services, etc. Extensive negotiations, with the shortlist of suppliers may be part of the ITN process, along with revised proposals based on negotiations.

2.2.2.1 Stakeholders/Using Department Responsibility

The using department is responsible for the following information with assistance from the Procurement Professional, as needed:

- Submit a Special Request Requisition in PantherSoft with a price sheet and a completed Competitive Solicitation Request Form
- Develop the specifications/requirements for the goods or services
- Determine what information the suppliers will need to supply in order to evaluate
- Develop initial calendar of events, including pre-proposal conference if needed
- Develop and define evaluation criteria to be utilized in the evaluation process
- Develop a list of potential suppliers
- Establish members for the evaluation committee and committee chairman as well as the negotiation committee
- Obtain approval from the designated signatory of the makeup of the evaluation and negotiation committees as well as who the decision maker is and provide this approval in writing to Procurement Professional.

2.2.2.2 Procurement Professional Responsibility

The Procurement Professional is responsible for the following:

- Work with the using department to finalize calendar of events and ITN requirements
- Schedule pre-proposal conference, if applicable
- Finalize the ITN document for advertisement
- Advertise the solicitation and post on e-bidding web sites
- Schedule pre-solicitation conference (if needed), ITN closing evaluation committee meetings and negotiation committee meetings
- Preliminary review for responsiveness and responsibility of suppliers proposals
- Facilitate and record all meetings
- Manage the negotiation process including the analyses, negotiation strategy outline, coordination of OGC involvement, etc.
- Prepare an Award Summary based on the decision from the Evaluation Committee and obtain designated signatory approval, if required
- Prepare and post the Intent to Award for 72 hours
- Take the necessary action to get the contract fully executed and PO issued.

2.2.2.3 Evaluation Requirements

- Evaluation and negotiation committee meetings are closed to the public per FS Chapter 119.07(1), unless the Procurement Director deems a closed meeting should be open to the public.
- The evaluation committee should be comprised of a minimum of three (3) members and a maximum of seven (7) members and should be approved by the Procurement Director and signatory authority prior to the ITN being posted.
- The Procurement Professional will facilitate the evaluation and negotiation process.
- High level timeline of anticipated meetings should be included in the ITN with a disclaimer it's subjected to change without notice.
- All meetings must be recorded. Recordings become public record upon award or thirty days from final replies whichever occurs first.
- The committee chair assigns a minute-taker to be present at each evaluation and negotiation committee meetings to provide high level minutes of each meeting using the appropriate meeting minute's template available at: <http://finance.fiu.edu/controller/Forms.html#Purform>.
- Minutes of the meetings should include the agenda, and working documents/ spreadsheets that show strengths and weaknesses of suppliers responses (original and revised proposals) and action taken (i.e. negotiation strategy or evaluation committee discussion summary).

2.2.2.4 Evaluation Process

The evaluation process consists of recorded meetings with the evaluation committee and the negotiation committee. Supplier's proposals are ranked based on the proposal criteria. A consensus is taken and suppliers are shortlisted. Negotiations may be conducted with the shortlisted suppliers and revised proposals and/or a "best and final offer" (BAFO) may be requested. The evaluation committee will rank the short listed suppliers based on BAFO, plus all documentation received during the solicitation process and make a final award decision. Please refer to Stage 4, Response Evaluation Process, Section 4.3.1 for more information.

2.2.2.5 Award and Contract Process

The Intent to Award is posted for 72 hours and the contract is prepared for review by the Office of the General Counsel. After the 72 hour posting is completed and no protests are received, the designated signatory executes the contract once it is signed by OGC and the awarded supplier. Copies of the contract are distributed by

contracts@fiu.edu to the awarded supplier and the using department. Please refer to Stage 6, Contract Award Process for more information.

2.2.3 Request for Responses (RFR) from Awarded Suppliers of a Competitively Advertised Solicitation

A RFR is used with Alternate Purchases/Piggy-back Contracts that have already gone through the formal competitive solicitation process and where the University solicits (BAFOs) from the already awarded suppliers.

2.2.3.1 Stakeholders/Using Department Responsibility

The using department is responsible for the following information:

- Submit purchase requisition with the following documents:
 - Entity's executed contract with awarded supplier with any extensions
 - Awarded Supplier's response to the solicitation
 - Entity's solicitation and any addendums
 - Continue with the Piggy-back Contract process found in the Procurement Overview.

2.2.4 Request for Proposals (RFP)

A Request for Proposal is used when the purposes and uses for which the good or services being sought can be defined and the user department is capable of identifying necessary deliverables. RFPs should only be used if negotiations will not be needed to help determine the final scope of work/deliverables or to obtain the best value.

The ITN process will be followed except for the following:

- Weighted criteria will be defined in the solicitation document
- Limited negotiation can only be conducted with the #1 ranked supplier.

III. Resources

Form/Template Name/Description	Web Site/Link
Competitive Solicitation Request Form	http://finance.fiu.edu/purchasing/Docs.Competitive_Solicitation_Request_Form.pdf

3.0 Stage Three: Solicitation Process

Six Stages of Public Procurement



The goal of Stage Three activities is to release and manage a competitive solicitation. Stage Three activities involve posting the actual solicitation document(s), responding to supplier questions, managing addendum(s) to the solicitation document(s), and closing the solicitation document(s).

3.1 Introduction to the Solicitation Process

The purpose of Stage Three is to publicly release the competitive solicitation to the supplier community and collect responses that are submitted by the date and time listed in the solicitation Calendar of Events.

During Stage Three, the Procurement Professional will serve as the sole point of contact for the solicitation. The Procurement Professional may host a pre- solicitation conference that will serve as the first opportunity for potential respondents to ask questions about the solicitation. Suppliers may also have the opportunity to submit questions in writing to the Procurement Professional to seek clarifications about the instructions or request changes to the content of the solicitation documents. If any revisions to the solicitation documents are required after the solicitation is released, the Procurement Professional will draft and post an addendum to the solicitation to notice all changes or clarification to the solicitation.

3.2 Release Competitive Solicitation

The solicitation process begins when the Procurement Professional posts the public notice of a competitive solicitation. In order to give every potential respondent an equal opportunity to submit responses to competitive solicitations, all formal competitive solicitations must be publicly advertised FIU typically advertises on the University’s website via our electronic solicitation (e-bidding) service provider (www.Jaggaer.com) and Department of Management Services (DMS) <http://www.myflorida.com/apps/vbds>. Construction solicitations of \$200,000 or more must be publicly noticed in the Florida Administrative Weekly. The posting announcement shall provide the specifics of the solicitation, including dates and times of a pre-solicitation conference if applicable, questions and answer period, solicitation closing date and time. The actual solicitation documents will be available on the University’s third party e-bidding service provider’s website.

3.2.1 Electronic Solicitation

Procurement Services uses Jaggaer's Sourcing Director for electronic solicitation, which is an easy-to-use online bid tracking, procurement management tool that efficiently connects FIU to a comprehensive list of suppliers. All formal solicitations and related notices are posted in Jaggaer at:

<https://bids.sciquest.com/apps/Router/PublicEvent?CustomerOrg=FIU>

Sourcing Director is for competitive solicitations and facilitates the following:

- Automatically notifies suppliers of FIU's solicitations
- Distributes and receives solicitations online
- Tracks all solicitation activity
- Verifies suppliers have received solicitation documents and addenda

Sourcing Director is administered by Jaggaer and are available by telephone 800-233-1121, option 2 or <https://www.jaggaer.com/service-support/supplier-support/> to answer any supplier's questions or to provide suppliers with assistance when needed in responding to solicitations.

3.3 Manage Questions and Answers

Activities in Stage Three help ensure supplier understanding of the requirements for responding to a solicitation, both procedural and contextual based on FIU's needs. The activities also can serve to clarify aspects of the competitive solicitation that may be unclear, or bring attention to elements that may require a revision of requirements.

The two methods used to ensure this is:

- Pre-Solicitation Conference
- Question and Answer Period

3.3.1 Conducting Pre-Solicitation Conference

A Pre-Solicitation Conference is a face-to-face and/or telephone call-in public meeting with members of the supplier community and the public where Procurement Services and the using department may present details related to the solicitation. Some essential details that may be shared with suppliers at the conference include:

- Calendar of Event
- Requirements and Deadline
- Special Instructions
- Scope of Work
- Deliverables
- Instructions or input on completing the required document
- Background information as to the need
- Award Process.

3.3.1.1 Discussion

A Pre-Solicitation Conference may include an open and informal discussion of the final desired outcome for a given solicitation, a goal of this conference is to promote supplier understanding. Informed suppliers can provide the goods and services sought by the using-department in the most comprehensive manner, and can often suggest solutions to problems that are industry leading or cutting edge. Emphasis should be placed on the fact that all discussions that occur during this conference are considered informal and are not binding on the University. Suppliers who wish an official researched and binding response from the University must submit questions for the Procurement Professional to answer in writing.

3.3.1.2 Mandatory versus Non-Mandatory

Pre-Solicitation Conferences can be either Mandatory or Non-Mandatory. In the case of a Mandatory Pre-Solicitation Conference, those suppliers who attend are the only suppliers that will be included in future activities related to the solicitation and will subsequently be eligible for contract award. In a Mandatory conference, those suppliers who wish to participate in the solicitation must be given a way to document attendance. Any supplier not in attendance will not be eligible to participate in the solicitation. In a Non-Mandatory conference, attendance is optional and attendees register their attendance if they desire, but they are not required to do so in order to submit a proposal or be considered for award.

3.3.2 Issue Question and Answer Addendum

The second method to ensure supplier understanding is a written Question and Answer Period. All formal questions posed to the Procurement Professional by suppliers should come from the supplier in writing. All questions submitted by suppliers should be addressed to the Procurement Professional who is the single point of contact for the solicitation, as outlined in the solicitation document.

The Procurement Professional will e-mail the using department representative all specification questions received with a request for answers to be provided in a timely manner.

Once all questions have been collected, and after the Question Submission Deadline, the Procurement Professional should collate and systematically answer each question as fully as possible, as the purpose is to promote supplier understanding of a particular solicitation's requirements.

All potential answers should be thoroughly reviewed by Procurement Service's review process and compiled into a single document for release. This document is called an Addendum to the competitive solicitation, lists all written questions received from the supplier community as well as the Procurement Professional's official binding and researched answers.

3.4 Issue Addendum

While managing the Stage Four process, the Procurement Professional may need to modify the solicitation as there maybe unclear instructions in the solicitation, inaccuracies in the specifications or scope of work, or the timeline may need to be altered due to unforeseen circumstances. To make needed revisions to the solicitation documents, the Procurement Professional will amend the information and requirements in the competitive solicitation by issuing an addendum. The addendum is a formal written clarification or revision that amends the requirements or instructions in the competitive solicitation and thereby becomes part of the solicitation document.

When drafting a new addendum, the Procurement Professional should only include the sections of the solicitation documents that are being revised in the addendum and should clearly identify the changes that are being made within each section. Changes within each section should be **highlighted** with underlined or in **bold** text to draw attention to the new or revised information in the amended language.

If an entire section is being replaced, the Procurement Professional should clearly state so within the addendum; typically stating that the "following section is replaced in its entirety" so that it is clear to the reader that the language formerly contained within that section is no longer applicable and that the new language is replacing it.

Remember, the issuance of each new addendum opens a new point of entry or protest period within the competitive solicitation. Therefore, changes to the solicitation documents should be carefully considered and should be clearly written in the addendum so that additional addenda are not needed to clarify a prior addendum that was issued.

Depending on when the Addendum is issued and the magnitude of the Addendum, the Procurement Professional may need to extend the closing date in order to provide the supplier community an opportunity to respond to the Addendum, such extension of the timeline would be addressed in the Addendum.

3.5 Receiving Responses from Suppliers

Supplier's responses to the solicitation must be received on or before the closing date and time to be considered for contract award. All responses must remain sealed until the closing date and time. Those responses received after the closing date and time may be rejected.

Jaggaer.com e-bidding supports the sealed bidding process by only releasing to FIU the submitted supplier's responses upon the closing date and time. Jaggaer.com will not allow submission of late responses.

3.6 Protest Proceedings

A supplier has to file a notice of intent to protest the content of the solicitation document or any subsequent addendum within 72 hours from the University's electronic posting of a competitive solicitation. A formal protest and a protest bond must be filed within 10 days from the date the notice of intent to protest was filed. The protest must be in accordance with the Florida Board of Governors' regulation 18.002 and 18.003.

3.7 Closing Solicitation

The solicitation closes upon the expiration of the date and time identified in the solicitation as the "solicitation Response Due Date" which is the deadline for suppliers to submit responses. However, in the event of an emergency where the University will be closed and unable to receive the suppliers' responses, the Procurement Professional will extend the closing date for a minimum of forty-eight (48) hours or until such time as the University is expected to reopen.

A public opening at the close of the solicitation will be held for construction or public works projects. The Procurement Professional will read the suppliers' names and the total amount of the response for each response received. The responses remain exempt from public record for thirty days or recommendation of award whichever occurs first in accordance with FS Chapter 119.071. The opening of ITNs and RFPs are closed meetings and are not open to the public. No information will be release until notice of a decision or 30 days after opening final replies, whichever occurs first, in accordance with FS Chapter 119.071.

4.0 Stage Four: Response Evaluation Process

Six Stages of Public Procurement



The goal of Stage Four is to open the responses to a competitive solicitation, review those responses to determine responsiveness, evaluate the responses using the criteria included in the solicitation document(s), negotiate with respondents if appropriate, and submit the award decision to the Procurement Director.

4.1 Introduction to the Response Evaluation Process

The purpose of Stage Four begins after the closing of the solicitation responses. Once responses have been opened, the responses must be evaluated against the evaluation criteria outlined in the competitive solicitation, use the evaluations to determine which supplier(s) should be engaged further, and, as appropriate, negotiate a final contract. The type of competitive solicitation issued determines which phases of Response Evaluation Process must be completed.

4.2 Review for Responsiveness

Once a competitive solicitation has been opened, the Procurement Professional must review the response in detail to determine responsiveness.

- A responsive bid or proposal submitted by a responsive and responsible supplier is a bid or proposal that conforms in all material respects to the solicitation.

The supplier's response must be considered responsive to be eligible for status as a qualified contractor in the event of an award. The Procurement Professional is permitted to waive minor informalities if in the best interest of the University. In the event a supplier's response is determined to deviate from the requirements, the Procurement Professional must determine whether the deviation is material. A material deviation will be cause for rejection of that response. An in-material deviation will be processed as if no deviation had occurred. If a supplier is determined to be non-responsive, this determination must be made in writing and documented in the Procurement File.

Procurement Professional must also review the response in detail to determine responsibility of the supplier.

- A responsible supplier has appropriate legal authority to do business in Florida, a satisfactory record of integrity, appropriate financial, organizational and operational capacity and controls, and acceptable performance on previous contracts.

A supplier must be considered responsible to be eligible for status as a qualified contractor in the event of an award. If a supplier is determined to be non-responsible, this determination must be made in writing and documented in the Procurement File.

4.2.1 Invitation to Bid

- Once all bids received have been determined to be responsive and the suppliers responsible, the Procurement Professional should complete a bid tabulation sheet and select the suggested lowest, responsive, responsible bidder to the using department. The Procurement Professional will forward the suggested recommendation for award, bid tabulations and copies of all the responses submitted to the using department for review by the appropriate individuals in the user department, Subject Matter Expert (SME) and the authorized signatory.
- Once the review is complete, the Procurement Professional and the using department should proceed to Stage Five, Award Process.

4.2.2 Invitation to Negotiate and Request for Proposals

Once a proposal has been determined to be responsive, the Procurement Professional should compile the proposal of each responsive, responsible respondent into a single package and forward to each evaluation committee member as part of the evaluation package as outlined below.

4.3 Evaluate the Responses

When fewer than two responsive offers are received in response to a competitive solicitation exceeding the competitive solicitation threshold, the Procurement Services Director, or a designee, shall review the circumstances surrounding the solicitation to determine if it is in the best interest of the University to proceed. If it is determined that a second competitive solicitation is not in the best interests of the University, the University may proceed with the acquisition based on the one responsive offer received or may proceed to negotiate with any other possible source including the sole responder. All evaluation and negotiation processes should be followed.

When multiple solicitation responses are found to be equal in all aspects after evaluations and rankings are performed, the University will give preference to solicitation responses in the following order: responses that include commodities manufactured in Florida, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state of Florida, to determine the contract award, or, if the above conditions do not exist or are equivalent between two or more responses, award will be determined by the toss of a coin.

When using federal sponsored funds the Uniform Guidance Procurement Standards prohibits the use of statutorily or administratively imposed state, local, or tribal

geographical preferences, unless the federal statutes specifically mandate or encourage geographical preferences.

4.3.1 Invitation to Negotiate

The Procurement Professional distributes the evaluation packages to the evaluators. The package shall contain the following:

- INT including any addendums
- All responses
- Evaluation committee guidelines
- Non-conflict of interest form that must be signed and submitted by each committee member to the Procurement Professional
- Work sheet with the names of the responsive and responsible suppliers, the selection criteria and a place to identify the strengths and weaknesses of the proposals and the ability to rank them
- Instructions for the committee from the Procurement Professional

The Procurement Professional will assist the Committee Chair throughout the evaluation and award process. Evaluators must evaluate each proposal against the evaluation criteria established in the solicitation. Evaluators must not discuss their evaluations of proposals with another member of the evaluation committee unless it is during a recorded meeting, and should not discuss them with anyone else at any time. The sole point of communication regarding the competitive solicitation process should be the Procurement Professional and any clarification regarding the competitive solicitation process should be handled only by him/her.

The evaluation committee member reviews and ranks each proposal in preparation of the committee meeting. The evaluation committee then meets at a recorded meeting to discuss the supplier's strengths and weaknesses based on criteria established in the competitive solicitation and take a consensus ranking. The committee collectively decides on which respondent(s) to short list and commence negotiations with.

Suppliers on the short list will continue in the negotiation process, which may involve supplier presentations, site visits, oral interviews, inspection of supplier's facilities, additional written information, internal staff analysis and presentations, feedback from outside consultants, discussions with the suppliers about their capabilities and plans for servicing FIU and/or any other information deemed helpful to more fully evaluate the supplier.

Shortlisted suppliers will be notified of negotiation meeting date(s) by the Procurement Professional. The non-shortlisted suppliers should be notified that "time the committee will not be conducting negotiations with them, but the University reserves the right to do so in the future if needed".

Note, all committee meetings are recorded and all recordings are kept in the Procurement file.

After negotiations have been completed to the satisfaction of the negotiation committee, or if no negotiations are held, following the initial evaluation, the short-listed suppliers will be given a deadline for submission of a BAFO. The negotiation process will stop upon submission of the BAFO. Suppliers will only be allowed to make further adjustments to their offer when clarification from the evaluation committee, via the Procurement Professional is requested and to finalize contractual terms and conditions.

The evaluation committee reviews and evaluates the BAFO, solicitation response, taking into account all information gained from revised responses, any site visits, supplier presentations, supplier management committee interviews, inspection of the supplier's facilities, and discussions with the suppliers about their capabilities and plans for servicing FIU (as applicable) or any other information obtained during the solicitation process. According to the evaluation criteria contained in the ITN, the evaluation committee will develop a final ranked order of suppliers and make a final recommendation/decision of award or may determine that it is in the best interest of FIU to reject all solicitation responses.

The Procurement Professional will assist the evaluation committee chairman in preparing the high level evaluation committee report for the solicitation which is a summary of the process, including minutes of the committee's meetings.

The Procurement Services Director will validate that a fair ITN process was conducted and sign off on the committee report.

4.3.2 Request for Proposals

The evaluation committee reviews and evaluates the solicitation responses according to the evaluation criteria in the RFP and develops a ranked order of suppliers.

FIU may request supplier presentations, oral interviews, additional written information, internal staff analysis and presentations, feedback from outside consultants, and/or any other information at any time during the evaluation process in order to more fully evaluate the supplier. The committee may decide to create a shortlist of suppliers rather than require presentations from all suppliers. At the committee's discretion, they may reevaluate the solicitation responses of all suppliers or shortlisted suppliers, taking into consideration the additional information obtained, in order to determine a final ranked order of suppliers. FIU reserves the right to inspect the supplier's facilities at any reasonable time after giving the supplier prior notice for purposes of evaluating the supplier.

FIU may invite the highest ranked supplier (if awarding to several suppliers, FIU will negotiate with the highest ranked suppliers) falling within the desired competitive range to enter into negotiations and will negotiate with the supplier(s) in an effort to reach a successful conclusion. FIU may request a revised offer during or following negotiations.

Note, if FIU is awarding the contract to only one supplier, and a successful conclusion cannot be reached with the highest ranked supplier, the negotiations will cease, and the committee will enter into negotiations with the second highest ranked supplier, and so on until a successful conclusion to the negotiations are reached.

The Procurement Professional will assist the evaluation committee chairman in preparing the high level evaluation committee report for solicitation which is a summary of the process, including minutes of the committee's meetings.

The Procurement Services Director will validate a fair RFP process was followed and sign off on the committee report.

4.4 Negotiate the Contract

Negotiations are a cyclical process by which buyers and sellers get closer to a mutually acceptable solution by progressively elaborating requirements and capabilities. For each round of negotiations, there should be objectives, timing, and format that are planned and commonly known by the negotiation committee members from both parties.

The Procurement Professional serves as the facilitator and lead coordinator for the negotiation committee. The Procurement Professional also maintains the negotiation strategy documents. Negotiation strategy meeting(s) are closed to the public but must be recorded and kept in the procurement file.

4.4.1 Develop a Negotiating Strategy

Information is a key focus when developing a solid negotiation strategy. The following sources of information should be used by the negotiation committee to attain the level of understanding necessary to be prepared for negotiations:

- Industry Reports
- Internal Studies
- Requests for Information
- Stakeholders Interviews
- Industry Literature
- Conference Speeches
- Internet Searches

The information should provide an understanding of FIU's needs and priorities and the supplier's position in the industry, giving the committee a basis for negotiating changes to the initial offer(s). The committee should establish alternative options or strategies to use when progress cannot be achieved for a particular position. The

key concepts of negotiation strategies are the “Most Desirable Outcome” (MDO) and “Least Acceptable Agreement” (LAA).

The following table are high level examples of Most Desirable Outcomes (MDOs) and Least Acceptable Agreements (LAAs) more detailed MDOs and LAAs are recommended.

Most Desirable Outcome	Least Acceptable Agreement
Shortest delivery times	Acceptable delivery times
Performance exceeding specifications	Product/Services meets specifications
Superior service	Consistent service
Long time price guarantees	Pricing firm for contract period
Minimum price (deepest discounts)	Maximum price within established limits

When developing the MDO the supply, product/service/specifications, and price all need to be considered.

- For the product supply, the objective may be obtaining goods in X number of weeks and receiving X number of items per week. Some negotiation items may include delivery lead time, turnaround time, delivery frequency, transportation methods.
- For product/service/specifications the goal may be that the quality requirements are met. Potential negotiation items may be product materials/components, packaging, technical services, and product re-design.
- A pricing objective could be to obtain a specific percentage of cost reduction. Negotiation items may include discounts, item discounts, promotions, payment terms and transportation and storage costs. Other financial considerations such as revenues and incentives may be considered as well.

Review the MDO and document what the least acceptable terms are that the committee will accept. The distance between the MDO and LAA provides the committee with it strategies and negotiating range. Strategy may vary for the different short listed suppliers depending on their initial responses.

Strategy planning is important because the committee must be prepared to know what the “walk away” conditions are, and be able to build a number of variables the committee will have to work with during negotiations. Without knowing what the least acceptable position is, there is no negotiating road map.

4.4.2 Arrange Negotiation Sessions

Once the negotiation strategy for each of the shortlisted suppliers is completed the Procurement Professional will schedule the negotiation sessions with the suppliers.

Negotiations should occur at the University's location. This provides the negotiation committee the benefit of familiar surroundings, and the ability to contact any needed Subject Matter Experts at a moment's notice. The Procurement Professional is also able to logistically schedule negotiation sessions with multiple respondents in one day.

4.4.2.1 Planning Negotiations

When planning negotiation sessions the following questions should be considered:

- When will the negotiation sessions be held?
- Is the committee best early in the morning or just after lunch?
- What is the balance between time in negotiations and results generated?
- How many negotiation sessions should be conducted per day?
- How long should each session be?
- In what order of respondents will the negotiations be held?
- Will negotiations be held in parallel or sequentially?
- Are there categories/items that can be negotiated before others?
- What order should we negotiate in?
- Are there respondents that should be negotiated before others?

The Procurement Professional should contact the respondents as early as possible to obtain scheduling information from them. Then work with the negotiation committee to reserve the conference rooms and times to ensure the rooms are large enough for all participants. Make sure there is access to conference call equipment and phone lines, and access to audio visual equipment should the committee or respondent require these items during the meetings. Also ensure that the required recording equipment is accessible. Finally, notify the respondents as early as possible with the final schedule. The Procurement Professional is responsible for all communications with suppliers and no one else can talk to supplier outside of the negotiation meetings until the contract is awarded or all solicitations are rejected.

4.4.2.2 Negotiation Committee Roles

There are four different roles that are filled by the members of the negotiation committee. It is important that the committee has the knowledge and skills in purchasing processes, cost estimating, University procedure, project management, and subject matter expertise. Some members of the committee may function in several capacities.

The roles and messages they should communicate are described below:

- Lead Negotiator: Conducts the negotiations and facilitates the negotiation process. The lead negotiator is often the "driver of change" and seeks alternative options. This may be the committee chair or another member of the negotiation committee.

- Subject Matter Expert(SME): Has thorough understanding of the end user requirements, technical needs, usage volumes, prices, analysis and other data. The SME also has a thorough understanding of the supplier situation, supplier competition, and market forces. Also the SME seeks common ground between suppliers and negotiation committee. There may be several SMEs for any given solicitation.
- Facilitator and Recorder: The Procurement Professional prepares the agenda(s), records and facilitates the meeting. The Minute Taker provides a high level written narrative of the discussions, including strengths and weakness of the responses based on the evaluation criteria, and unresolved issues.
- End User Representative: Represents the final beneficiaries of the contract.

4.4.3 Conduct Negotiation Sessions

Negotiations with respondents may occur as follows:

- An initial meeting with each of the selected respondent starts the negotiation process. Topics addressed are any lack of clarity or shortcoming of the initial proposal. The outcome of this meeting(s) is a plan for the respondent to submit a revised proposal with changes tracked, for the committee's consideration, to be followed by a follow up meeting. The outcome of the initial meeting can include issuing a clarification, or amending the University's requirements.

When beginning negotiations, the opening of the session should begin with introductions of both committees. The agenda should be distributed and read, ensuring that all are in agreement with the plans. Then the ground rules should be communicated in advanced or during the meeting by the Procurement Professional. As part of the introduction, each committee should present a brief overview of their presentations and goals for the session. The respondent should then present its offer, clarifying any questions that are posed for technical and commercial terms.

- The purpose of the follow up negotiation meetings is to consider the respondent's revised responses, as well as any clarifications to the solicitation. This includes a series of revised responses and/or requirements and discussion of them. Review every section of the University's requirements and the respondent's responses, rather than only discussing noticeable issues committee members may have identified.

The committee should communicate its position, and then assess the respondent response and flexibility. Problem resolution should be addressed at this time. The committee needs to understand the position of the respondent, and make any adjustment to its expectations. Adjustments should be made by restating/reshaping the committee's position and objectives as necessary during the negotiation

processes, looking for alternatives. In an effort to resolve the issues, the committee should emphasize the areas where there are agreement, focusing on interests, not positions. Remember to keep options open.

- The final negotiation meeting usually consists of the committee reviewing and providing feedback on the respondents' final revised proposal, and if appropriate, the respondents amend the responses for the last time. Making sure everything is in writing before formal call for BAFO by the Procurement Professional.

Once the committee has a contract that satisfies all parties and addresses critical business requirements of the end users and presents best value to the University, or has reached an impasse with all respondents invited for negotiations, the negotiation phase of the response evaluation process is complete and the solicitation committee should proceed to step 4.5.

4.4.3.1 Negotiation Impasses

If negotiations have reached an impasses with all respondents invited for negotiations, then the committee has the option to reject all solicitations and cancel the ITN, with or without naming a timeline in which the new ITN will be released. Issuing a notice of intent to reissue, after rejecting all proposals, protects the confidentiality of all previous proposals received and other committee information associated with the original ITN for not more than 12 months.

4.5 Make Committee Decision Recommendation

After members of the evaluation committee and/or negotiation committee determine that negotiations have been completed, the evaluation committee must meet to discuss an award decision. The Procurement Director will have the Procurement Professional post the intent to award. The recorded meetings are the only occasion for the evaluators or negotiators to discuss their negotiation strategy and decision to award or reject.

The committee have the following options that they may recommend:

- Award a contract, (as modified in negotiations if an ITN), to the respondent(s) who provide the best value to the University
- Reject all responses and re-solicit
- Reject all responses and do not re-solicit

Once members of the evaluation committee has made their recommendation/decision, the committee chair will prepare the evaluation committee's recommendation/decision summary which will include high level minutes of the evaluation committee's decision including the strengths and weaknesses of each supplier's proposal. The Procurement Director will review the summary to ensure the procurement process is in compliance with BOG regulations and FIU

policy. If the evaluation committee is not the final decision maker, the summary will be sent to the signature designee for final decision.

5.0 Stage Five: Contract Award Process

Six Stages of Public Procurement



The goal of Stage Five activities is to post the evaluation committee's decision, draft the contract document(s), review the contract documents and execute the final contract.

5.1 Introduction to the Contract Award Process

The purpose of Stage Five is to publicly post the evaluation committee's decision for the competitive solicitation, prepare and review the draft contract document, obtain contract signatures from the awarded supplier(s) and Office of the General Counsel, and execute the final contract.

5.2 Post the Decision

Once the final award decision has been made by the appropriate decision maker regarding a contract award, the Procurement Professional must post the Intent to Award on the University's website <https://finance.fiu.edu/purchasing> or via a link to Jaggaer's website. The Procurement Director or designee will approve the Intent to Award document.

5.2.1 Intent to Award and Protest Proceedings

The Intent to Award is the official public announcement of the intended contract award to the identified apparent successful supplier(s). The intent also may identify the amount of the intended contract award and the tabulation sheet.

The posting of intent to award must include the following statement:

"Failure to timely file a protest or failure to timely deliver the required bond or other security in accordance with the Florida Board of Governors' regulation 18.002 and 18.003 shall constitute a waiver of proceedings".

Once the intent to award has been posted, all documents pertaining to the solicitation are open to the public. The suppliers may review the procurement process via a public records request. The suppliers have 72 hours to file a written notice of intent to protest from the date and time of posting.

Failure to file a notice of intent to protest or failure to file a formal written protest shall constitute a waiver of proceedings under the Florida Board of Governors' regulation 18.002 and 18.003.

The potential protestor must file a formal written protest and the required Solicitation Protest Bond within 10 days after the date of the notice of intent to protest was filed in accordance with the Florida Board of Governors' regulations 18.002 and 18.003.

If a formal written protest is received no contract award will be made until the President and Director of Procurement or the Director's designee settle or resolve the protests or aggrieved offerors and bidders concerning the solicitation or award unless the President sets forth in writing particular facts and circumstances which require the continuance of the contract award process as provided in the Florida Board of Governors' regulation 18.002 and 18.003.

5.2.2 Rejection of Solicitations

If the decision maker decides to reject all responses and concurrently provides notice of intent to re-solicit, the recordings and all of the solicitation documents remain exempt from public record for twelve months. The Procurement Professional will post to the University's website the rejection notice.

5.3 Prepare Draft Contract

5.3.1 Invitation to Bid

An Invitation to Bid (ITB), the contract document is composed of the following:

- Cover Contract
- Invitation to Bid
- Bid Response
- Any clarification document deemed necessary

When drafting the ITB the Procurement Professional should ensure the solicitation instructs the supplier that submitting a bid constitutes agreement to: (1) abide by the contract terms and conditions, and (2) fulfill the obligations of the statement of work/services. Respondents should submit bids with the knowledge that the successful supplier will become subject to the terms, conditions and obligations outlined in the competitive solicitation upon execution of a contract.

5.3.2 Invitation to Negotiate and Request for Proposals

In an Invitation to Negotiate or Request for Proposals (ITN or RFP) the contract document is composed of the following:

- Cover Contract

- Invitation to Negotiate
- Initial Response and all Revised Responses
- BAFO
- Any clarification document deemed necessary

When drafting the ITN/RFP the Procurement Professional should ensure the solicitation instructs the potential suppliers that submitting a proposal constitutes agreement to: (1) negotiate and abide by the agreed contract terms and conditions, and (2) negotiate and fulfill the obligations of the final agreed upon contract.

5.4 Review Draft Contract

The Procurement Professional will prepare the final draft contract and send the contract to the Office of General Counsel for review and approval as to form and legality. The terms, conditions, and specifications of the solicitation document and the award document are incorporated into any contract between the University and the supplier as a result of the solicitation. The Procurement Professional will work with OGC and the supplier to finalize all terms and conditions of the contract.

5.5 Execute Final Contract

5.5.1 Invitation to Bid Contract

Once the contract has been signed by all parties that have authority to sign contracts, (refer to http://finance.fiu.edu/purchasing/2sig_delegation.html for FIU delegate authority), the Procurement Professional distributes the fully executed copy of the contract to the supplier and to the using department.

5.5.2 Invitation to Negotiate Contract and Request for Proposal

- Once the contract is approved as to form and legality by OGC and has been signed by the supplier.
- The decision summary which contains the evaluations committee's reasons for award and the contract is presented to the designated FIU signatory for contract execution.
- After the Procurement Professional obtains the necessary signatures the fully executed copy of the contract will be distributed to the supplier and using department.

5.6 Issue Purchase Order

Once the contract is fully executed Procurement Services will process the special request requisition that the User Department entered into PantherSoft and issue the purchase order. In some cases a contract may not be executed, however, a purchase

order will always be issued unless paid by department card or allowable unencumbered payment process.

The purchase order is used for financial purposes to encumber funds. In addition, the purchase order may also be used to establish minimum contract terms when a contract is not issued.

In addition to the executed contract, additional documents may be required, (e.g. required insurance certificates, payment bonds, etc.) before the purchase order may be issued.

IV. Resources

Form/Template Name/Description	Web Site/Link
Signature Authority for Contracts	http://finance.fiu.edu/purchasing/2sig_delegation.html
Intent to Award Posting	https://finance.fiu.edu/purchasing
Intent to Reject Posting	https://finance.fiu.edu/purchasing

6.0 Stage Six: Contract Process and Management

Six Stages of Public Procurement



The goal of Stage Six activities is to ensure the contractor performs according to the terms of the contract and that both parties properly perform their responsibilities. The contract management process facilitates successful purchases by assuring that users are receiving the specified goods or contractual services in the specified quantity, of acceptable quality, and at the correct time. The contract management process also ensures that the contractor is properly compensated for providing the specified goods and contractual services.

6.0 Contract Review and Determination of Contract Value

The Office of General Counsel (OGC) is the only office that has the authority to approve the legal terms of any University contract over \$75,000.

Legal review by the OGC is not required for contracts for the purchase of goods and services when the total value of the contract is less than \$75,000.

The total value of a contract shall be the purchase price for the initial term plus all renewal costs.

The purchase of goods and contractual services shall not be divided to avoid the requirement of competitive solicitation.

- Work cannot be divided into multiple phases.
- A new contract cannot be entered into each year on an ongoing basis. Anticipation of renewing a contract must be factor into the cost when determining the value of the contract at the onset.

Exceptions of purchase agreements that require OGC review regardless of contract value are:

- Sponsored Research Agreement
- Software License Agreement
- Master Agreement of any type
- Space Leases

All non-purchasing agreements, such as revenue agreements, academic partnership agreements or service agreements where FIU is a service provider are not routed through Procurement Services.

6.1 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.
- All rules and regulations regarding solicitation requirements must be adhered to.

6.2 University Contracts

The Procurement Services Department may establish annual contracts for enterprise wide or department specific purchases of a recurring nature if trends 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. Enterprise wide contracts may be enabled in myFIUmarket. A list of FIU Enterprise Contracts and other contracts FIU can piggy-back are located at: <http://finance.fiu.edu/purchasing/2contracts.html>.

6.3 State of Florida Contracts

The University may acquire any good or service 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 and can be viewed at the State of Florida website at http://www.dms.myflorida.com/business_operations/state_purchasing, to link to the State Purchasing website for a listing of available contracts. You may also contact the appropriate Purchasing Professional in Procurement Services for additional information and assistance. Please see the Organizational Chart – Procurement

Services <http://finance.fiu.edu/controller/images/PUR.pdf> for the appropriate Procurement Professional.

6.4 Cooperative/Piggy-back Purchasing Contracts

The University may either participate in or administer definite quantity or term contracts for the acquisition of any good 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. The use of cooperative purchasing contracts is also known as piggy-backing. Please refer to Procurement Overview, section II.3.5 for more information on when and where to use these agreements.

6.5 Department Initiated Contract for the Purchase of Goods or Services

If a supplier will accept a purchase order in place of a signed contract, then the purchase order can serve as the contract and no contract document signed by both parties is needed. A purchase order is a contract between FIU and the supplier. The purchase order has standard terms and conditions and are located at: <https://generalcounsel.fiu.edu/wp-content/uploads/sites/26/2014/07/FIU-Standard-Terms-Conditions-1.pdf>.

If Federal funds are used then by entering into a Contract/PO the supplier agrees to comply with all applicable provisions of Title 2, Subtitle A, Chapter II, PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS contained in Title 2 C.F.R. § 200 et seq.

As a requirement of doing business with a supplier, the supplier may require a signed contract or FIU department may deem it is in our best interest to issue a contract. The using department should propose using FIU's contract template (See 6.5.1 FIU Contract Templates) in place of the supplier's contract. If the supplier declines, then the supplier's contract may be used. The supplier's contract should be completed following the process noted below and signed by an authorized University Representative. However, if the supplier agrees then the department should use one of FIU's templates to contract with the supplier and should follow the process noted below.

All contracts for the purchase of goods or services, regardless of the value or the type of contract, are to be submitted by the Delegated Contract Manager through Total Contract Manager (TCM) for processing. The only exception is Entertainment and Performance Agreements which should be emailed to Contracts@fiu.edu who will process in TCM. **The procurement contract is not to be signed by anyone at the University until it has been routed through TCM.** The Delegated Contract Manager must properly answer the compliance questions and the appropriate approval will be obtained through workflow. The final draft contract, without signatures, and all required documentation must be entered into TCM for approval and electronic signatures should be obtained from the Authorized Signatory using

DocuSign. TCM sends the executed contract to the suppliers and the Contract Manager can view all contracts in TCM.

Should you require access to TCM as a Contract Manager, Contract Approver, or Contract Viewer, you may request it via the Total Contract Manager (TCM) and Electronic Solicitation Access Request Form which can be found by clicking [here](https://imagenowweb.fiu.edu/imagenowforms/fs?form=TCMForm) (<https://imagenowweb.fiu.edu/imagenowforms/fs?form=TCMForm>).

- You will have to login with your FIU Username and Password
- Once submitted, the form will automatically route to your HR Supervisor (and Expense Manager for the College of Business) for approval before Procurement Services receives notification of your request

6.5.1 FIU Contract Templates for the Purchase of Goods or Services

There are two (2) FIU contract templates available for use for all service and performance purchases when a written agreement with the supplier, outlining specific details about the services being purchased is in the best interest of the University or when a contract is required. The appropriate contract which is either the Service/Entertainment/Performance Agreement or the Independent Contractor Agreement must be completed by the University department requesting the purchase and must be executed by both parties prior to the services being received. Please see the instructions and process outlined in the **Contract Templates Procedure** at: <http://finance.fiu.edu/purchasing/2/procedures1.html>.

6.5.1.1 Service/Entertainment/Performance Agreement One Time Payment

The Services/Entertainment/Performance Agreement template must be used for all service and performance purchases valued at more than \$5,000 or less than \$5,000 when a contract is required, and when a supplier is providing a one-time service that is listed on the [Allowable Unencumbered Payment List](#) Section 1, and will be paid in full upon completion of said service/performance. It may be used for a variety of services and/or performances, including but not limited to performers, entertainers, guest speakers, and lecturers. Foreign vendors and foreign companies – regardless of the type of good or service, cannot be paid unencumbered and therefore this agreement cannot be used, unless specifically instructed to do so by tax, in which case their instructions would be to forward to Procurement Services with contract. For additional information on Allowable Un-encumbered Payment Process please see documentation noted under Accounts Payable at: <http://finance.fiu.edu/controller/Forms.html> . This **contract template** is available on the Office of the General Counsel website at: <http://finance.fiu.edu/controller/Forms.html#PurForm> and the detailed procedures for completing and processing are outlined in the **Contract Templates Procedure** at: <http://finance.fiu.edu/purchasing/2/procedures1.html>

6.5.1.2 Independent Contractor Agreement

The Independent Contractor Agreement template is to be used when a supplier is providing services that are not on the [allowable unencumbered payment list](#), and when a purchase order **and** a contract are required or when it is determined to be in the best interest of the University to have a contract signed by both parties. This **contract template** is available on the Office of the General Counsel website at: <http://finance.fiu.edu/controller/Forms.htm1#PurForm> and the detailed procedures for processing and completing are outlined in the **Contract Templates Procedure** at: <http://finance.fiu.edu/purchasing/2/procedures1.html>.

6.5.2 Supplier's Contract

The process for utilizing a supplier's contract is as follows for the using department:

- Review and evaluate the entire contract, negotiate with supplier and revise business and operational provisions, terms and conditions within the contract, as needed, in order to appropriately reflect the business arrangement reached with the supplier.
- Attach the appropriate Supplemental Addendum which can be found at: <https://generalcounsel.fiu.edu/contract-forms>. Departments should not revise the Supplemental Addendum in any way. If the supplier is requesting changes, the department must contact Procurement Services for assistance at: contracts@fiu.edu.
- Include referenced documents/exhibits/attachments.
- Include name and title of the appropriate FIU authorized signatory on all documents that require signatures. A list of individuals who are duly authorized signatories with authority to bind the University to agreements for the purchase of goods and services can be found at: http://finance.fiu.edu/purchasing/2sig_delegation.html.
- Request initials within the document where changes were made.
- The Delegated Contract Manager will submit the contract through TCM for processing.

6.6 Contracts valued at an Amount Greater than \$75,000

The process for contracts valued greater than \$75,000 (including all renewals) is as follows:

- Department reviews contract to ensure that it reflects the business deal and specifications in relation to the goods or service being provided.
- The Delegated Contract Manager submits the contract through TCM for processing.

- The Delegated Contract Manager submits the contract documents to OGC via TCM workflow for review, revisions, and approval as to form and legality.
- OGC returns revised contract documents to the Delegated Contract Manager. OGC review may take up to fifteen (15) business days so departments should plan accordingly.
- Delegated Contract Manager via TCM DocuSign obtains supplier'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, and has supervision over the using department. Please see Signature Delegation website for more information at: http://finance.fiu.edu/purchasing/2sig_delegation.html .
- Procurement Services dispatches any applicable purchase orders and TCM electronically distributes the contract. ..

6.7 Contracts valued at an Amount Less than \$75,000

The process for contracts valued less than \$75,000 is the same process as contracts valued at more than \$75,000 except that OGC does not review. It is the department's sole responsibility to review and ensure the contract is appropriate completed as outlined in the **Checklist: Contracts valued under \$75,000** located at: http://finance.fiu.edu/purchasing/Docs/ContractsUnder75K_Checklist.pdf . The Delegated Contract Manager and the person reviewing the contract(s) on the department's behalf should attend TCM Training and Procurement Contracts Training. Procurement Services only spot checks contracts to ensure the process is followed.

6.8 Click-Thru Agreements

Click-through agreements are considered legal contracts. Since FIU is a public entity of the State of Florida, the University is precluded from agreeing to certain terms and conditions. It's common that standard click through agreements contain language and terms that are not allowed by state law.

When encountering new computer applications, software, or other services (even "free" ones) available online, you may be required to click a button that says "yes" or "I agree" as to certain terms and conditions in order to use the application. These are "click-through" agreements. One may even receive this request to click-through when upgrading to the latest version of an existing application.

Very few FIU employees have been delegated the authority to enter into any contracts on behalf of the University (please see [Procurement Services website](http://finance.fiu.edu/purchasing/2sig_delegation.html) for a list of all authorized signatories) http://finance.fiu.edu/purchasing/2sig_delegation.html . If you click through and "accept" any such terms without seeking the proper approvals and without having the proper authority, you could be putting yourself and the University at risk.

Accordingly, University employees who are not authorized signatories should NOT accept click-through agreements without following the below process.

1. If you want to use a new software application, upgrade a version of an application you are already using, or use an online service (like Google Apps), check with Procurement or Information Technology to see if a contract already exists which can be utilized for your needs.
2. If you have confirmed that the application is not already available to you through such existing agreements, then you must seek approval to proceed and utilize the product from your appropriate department head (Director, Dean or VP). This discussion may require approval from Information Technology and/or Procurement. You should read the terms and conditions being presented to you by the supplier and confirm that they are acceptable to you from an operational perspective.
3. If an agreement does not exist, and your department head agrees with your "purchase" and acceptance of the terms related to the application (even for \$0), then you should contact the supplier (either someone directly if you have an email address for a contact of the supplier, or find a relevant email address on the supplier's website) and provide them with written notice that you are not permitted to accept click-through agreements, and request that they allow us to print, review, revise and have the contract signed by both parties, per our standard contract process. If they agree, you should work with them to process the click-through like a standard supplier contract.
4. If the supplier refuses to allow us to modify the contract, or fails to respond to your request in a timely manner, then you should reconnect with the relevant department head (Director, Dean or VP), to determine whether it is still in FIU's best interest to proceed in accepting the terms.
5. If you and the relevant department head agree to proceed, then you should send the supplier another email letting them know that you are not an authorized signatory for FIU and do not have the authority to enter into agreements on behalf of the University, and the agreement is not enforceable. Please contact contracts@fiu.edu for a sample email that you can send the supplier.
6. After waiting three (3) business days, or another time frame that is reasonable in the circumstances, if you do not receive a response from the supplier, then you may "accept" the click through terms.
7. Please keep all emails and any additional documentation on file for your records.

If you accidentally accept a click through agreement then contact the DOIT helpdesk immediately; they will be able to determine if software was downloaded to your device or if what you accidentally agreed to is a service on the Internet. If you

downloaded software to your University owned computer, the DOIT organization will assist in removing all the unwanted software. If you agreed to an online service, they will work with the appropriate University departments (legal and procurement) to contact the company and explain the situation.

6.9 Contract Management Process

The Contract Management Process is often the longest stage of the procurement process, as the initial term of a contract award may be several years. Many contracts also has renewal terms that keep the contract active for an even longer period.

The using department(s) management designates the Delegated Contract Manager and contract administrator. Often times the manager and administrator are the same person.

The Delegated Contract Manager is responsible for the following:

- Obtaining access to TCM and attend both TCM Training and Procurement Contract Training
- Create and maintain a contract in TCM
- Manage changes to the contract.

The contract administrator should be responsible for the following:

- Manage the receiving of goods or contractual services
- Monitor contractor performance and evaluate the contractor performance
- Resolve problems and issues.

6.10 Manage the Contract

The Contract Manager and/or Contract Administrator is responsible for the day to day operations of the contractual relationship, including: receiving and/or ensuring the quality of the goods and contractual services specified in the contract, certifying their performance and quality, validating and auditing contract pricing and payment, monitoring contractor performance, and managing changes to the contract.

6.10.1 Receive Goods and Contractual Services

One of the primary responsibilities of a contract manager/administrator is to ensure that the University is receiving the goods and contractual services as they are specified in the contract including managing all deliverables and performance requirements.

6.10.2 Review Before Payment

To ensure that the University has received the goods and contractual services specified in the contract and that a contractor is entitled to compensation, the contract manager/administrator should conduct the following activities:

- Ensure goods and services received.
- Verify that any required supporting documentation has been submitted and is accurate and complete.
- Review documentation for reasonable assurance that goods or contractual services have been satisfactorily provided within the terms of the contract.
- Create receipt in PantherSoft.

Accounts Payable receives the supplier's invoice, creates the voucher; PantherSoft matches the receipt with the voucher to ensure accuracy.

6.10.3 Disputes

If receipt of goods or contractual services are in dispute the contract manager/administrator would note it when receiving in PantherSoft so Accounts Payable can address any exceptions to the invoice. However, partial or prorated payments must be made based on deliverables validated and supported by adequate documentation.

6.10.3.1 Address and Resolve Problems with Contract

In the event of an issue with a contract, the contract manager/administrator is responsible for addressing and resolving the issue. Contract managers/administrators should work with the contractors and using departments to ensure that the contract terms are enforced and that an equitable resolution is reached.

6.10.4 Manage Changes to the Contract

Throughout the contract life cycle, it may be necessary to document changes to the original contract terms. These changes can be minor administrative changes, such as a change of address, or they can be substantive changes affecting the delivery and pricing. All contract amendments, renewals and extensions must occur in writing and should be follow the same routing and approval as the original contract using TCM. Please reference the Extension Agreement and Amendment Agreement located at: <https://generalcounsel.fiu.edu/contract-forms/> .

6.10.4.1 Amendments

A contract amendment is a change in a contractual agreement made by adding, altering, or omitting a certain part or term of the original contract. Amendment documents, when signed by all parties concerned, retain the legal validity of the original contract.

When an amendment is required a change order to the purchase order may need to be issued. Please see Operational Chapter for Change Order procedures.

6.10.4.2 Renewals

If the original contract contains a renewal provision, the contract can be renewed for a period that is stipulated in the contract. Contracts that are renewed are subject to the same terms and conditions that were specified in the original contract. For contracts that are the result of a competitive solicitation, contract pricing for the renewal must be specified in the initial competitive solicitation. The renewal must be in writing and signed by both parties, and is contingent upon satisfactory performance and subject to availability of funds.

6.10.4.3 Extensions

Extension of a contract shall be for a period not to exceed twelve (12) months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the contract being extended. There should be only one extension of a contract. The Procurement Director will approve all extensions.

6.10.4.4 Contract Close Out

When a contract expires or goods or contractual services required by the contract are delivered and final payments are made, the contract must be closed out. The contract manager/administer must determine that all deliverables, including any reports, have been submitted and accepted; all outstanding issues have been resolved, and that the contract file contains all necessary documents.

If there is a purchase order with a remaining balance after all payments are made, contact Procurement Services to close the purchase order.

V. Resources

Form/Template Name/Description	Web Site/Link
Purchase Order Std. Terms & Conditions	https://generalcounsel.fiu.edu/wp-content/uploads/sites/26/2014/07FIU-Standard-Terms-Conditions-1.pdf
FIU Enterprise Contracts	http://finance.fiu.edu/purchasing/2contracts.html
Organizational Chart – Procurement	http://finance.fiu.edu/controller/images/PUR.pdf
State of Florida Contracts	http://www.dms.myflorida.com/business_operations/state_purchasing

Supplemental Addendum Form	https://generalcounsel.fiu.edu/contract-forms
Purchasing Contracts Form	contracts@fiu.edu
Signature Authority for Contracts	http://finance.fiu.edu/purchasing/2sig_delegation.html
Contracts valued under \$75,000 Checklist	http://finance.fiu.edu/purchasing/Docs/ContractsUnder75k_Checklist.pdf
Contract Template Procedures	http://finance.fiu.edu/purchasing/2/procedues1.html
Contract Intake Forms	http://finance.fiu.edu/controller/Forms.html#PurForm
Allowable Unencumbered Payment List	http://finance.fiu.edu/controller/Forms.html
Extension Agreement & Amendment Agreement	https://generalcounsel.fiu.edu/contract-forms/

VI. Maintenance and Revision

The FIU Procurement Manual will be reviewed annually by the Department of Procurement Services to ensure that the manual remains consistent with applicable laws, regulations, policies, and procedures. The manual must be consistent with the following:

- Statutory requirements of the State of Florida
- Regulations and directives established by the State University System of Florida Board of Governors
- Regulations and directives established by the Florida International University Board of Trustees
- Standard and best practices in the state university system of Florida and public procurement, as applicable

The Director of Procurement Services is responsible for ensuring that the manual is consistent with any changes made by the aforementioned entities. Any major revisions (e.g. statutory requirements, Board of Governors regulations) made to the manual must be approved by the University Controller. Major revisions will be logged in the Record of Changes section of this manual. Minor revisions (e.g. job title changes, updating contact information) may be approved by the Director of Procurement Services and do not need to be logged. Once approved, electronic copies of the final manual are made available on the internet through the FIU Office of Finance and Administration webpage (http://finance.fiu.edu/purchasing/Docs/FIU_Purchasing_Manual.pdf)

VII. Record of Changes

Date of Change	Section(s) Changed	Summary of Change
9/2016	None.	Created.
10/2017	Maintenance and Revision, Record of Changes	Previous version did not have these sections.
6/2018	I.1, II.3.2, II.3.2.1, II.3.2.2, II.3.3, II.3.4, II.3.6, II. 3.6.1, II.3.6.2, II.5.2.1, 1.3.2, 3.2, 3.2.1, 3.5, 4.3,5.2, 6.5	Incorporation of Uniform Guidance procurement requirements and replace DemandStar with Jaggaer for electronic sourcing and TCM.
9/2018	II.4.2	Changed confirming PO to non-conforming purchase and requires a Non-Conforming Purchase Justification Form to be completed before payment can be processed via unencumbered payment.