



FLORIDA ATLANTIC
UNIVERSITY

PURCHASING MANUAL

BY:

**FLORIDA ATLANTIC UNIVERSITY
PURCHASING DEPARTMENT
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OBJECTIVE & PURPOSE

The purpose of this document is to establish uniform policies and procedures consistent with the authority and responsibilities granted to the Florida Atlantic University Board of Trustees and the President towards the establishment of an effective purchasing program for the acquisition of commodities, contractual services and construction.

AUTHORITY

Florida Statutes 1001.74, and Board of Governors Regulations 18.001, 18.002 and 18.003 (dated 3/27/2008).

REGULATIONS

FAU Regulation 6.008 was approved by the Audit and Finance Committee of the FAU Board of Trustees (BOT) on 10/21/09 with full Board approval expected 11/18/2009.

INTRODUCTION

Purchasing is an important function of the administrative management of the University. The purchasing function is assigned to the Purchasing Department. The Purchasing Department is a customer service organization which supports the students, the instructional and research efforts of the faculty and staff, as well as other University service departments such as the Physical Plant, the University Controller's office, Student Activities, and Information Resource Management and the direct-support organizations of the campus community.

Purchasing involves the acquisition of equipment, furnishings, supplies, construction services, maintenance services, professional services, contractual services, and the lease of space for the University within established budgetary constraints. Purchasing functions also include preparing budget estimates; preparing bid specifications; initiating formal quotations, proposals and bids; conducting public bid openings; evaluating bids; and negotiating and awarding contracts.

This manual, issued by the Director of Purchasing by direction of the University President, establishes uniform procedures relating to the purchase of commodities and services.

The manual reflects statutory requirements of the State of Florida, regulations and directives established by the Board of Governors, the Florida Atlantic University Board of Trustees, and standard practices in the public university system of Florida, as applicable. The requirements stated herein shall apply to all purchases of commodities and services whether funded by state appropriation, grants, or student fees.

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

DEFINITIONS

- A. Artistic Services - Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.
- B. Commodity - Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. Commodity also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications, vehicles and software and license agreements shall be considered commodities.
- C. Competitive Bid/Proposal - The response submitted to an Invitation to Bid, Request for Proposal, or an Invitation to Negotiate by responsive and qualified bidders or offerors.
- D. Competitive Negotiation - The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.
- E. Competitive Solicitation - An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.
- F. Construction Services -- Contractual services, including labor or materials, for the design, construction, renovation, repair or demolition of University facilities.
- G. Contractor/Vendor - A person or firm who contracts to sell commodities or contractual services to the University.
- H. Contractual Service - The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors.
- I. Extension - An increase in the time allowed for the performance of the contract.

- J. Independent Contractor - A person or firm who provides a service to the University but does not have any employment or other relationship or connection with the University, except as provided in Section 112.313, F.S.
- K. Invitation to Bid - A written solicitation for competitive sealed bids, designating the title, date, and hour of the public bid opening and also defining the commodity, group of commodities or services.
- L. Invitation to Negotiate - An invitation extended to prospective contractors, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. An invitation to negotiate may be used when negotiations are beneficial to achieve the best outcome for the University.
- M. Public Entity Crime - A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.
- N. Purchase - An acquisition of commodities, services or licenses obtained by purchase order, contract or other authorized purchasing method, whether by rent, lease, installment, lease-purchase or outright purchase.
- O. Purchases for Resale - The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.
- P. Renewal - Contracting for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.
- Q. Request for Proposal - A written solicitation for competitive proposals for commodities or contractual services designating the title, date, and hour of the public opening. The request for proposal is used when the scope of work is not clearly defined.
- R. Responsive and Qualified Bidder or Offeror - A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.
- S. Term Contract - An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed period of time.
- T. Vehicles - Includes any automobile, truck, motorcycle, bicycle, golf cart, watercraft or other vehicle designed primarily for transporting persons as well as construction vehicles or farm equipment.

- U. Definite Quantity Contract - A contract to furnish a specific quantity of an item or items at a specified price and time. The contract is fulfilled by delivery and acceptance of the specific quantity at the University, on such place designated in the contract.
- V. Department - A budget entity which has been assigned a fund and organization number by the University.
- W. Emergency Purchase - The purchase of commodities or services due to a danger to the public health, the safety or the welfare of person(s), animal(s), the preservation or protection of property, or the continuance of a vital University function. Note that emergency purchases can only be applied to unforeseen events; a lack of planning does not constitute an emergency.
- X. Identical (Tie) Bids - Two or more bids which are equal in all respects as to price, quality and service.
- Y. Quotation - A written or verbal offer for commodities or services not requiring a public opening at a specific date and time.
- Z. May - Denotes the permissive.
- AA. pCard - The FAU Purchasing Card is used for official university-related purchases by regular university employees who are in a fiscally responsible position. Please see the supplement entitled "Purchasing Card User Manual/University Agency Plan" for related policies and procedures.
- BB. Shall - Denotes the imperative.
- CC. Sole Source Purchase - A purchase of commodities or services that are non-competitive.
- DD. Valid Response - A responsive offer in compliance with bid specifications and conditions.
- EE. Categories - Purchasing thresholds that govern the procedures to be used in university purchasing.

1.0 GENERAL POLICIES AND PROCEDURES

This section contains the general procedures of the Purchasing Department.

1.1 DEFINITIONS

- A. Purchasing Activity - A University function delegated to the Purchasing Department by the University President, to develop descriptions/specifications, selection and solicitation of sources, and prepare award of contracts for commodities and services.
- B. Purchasing Officer - A person, delegated the authority by the University President, to enter into, award , modify or terminate contracts and make related determinations and findings. The term includes any authorized representatives of the purchasing officer acting within the limits of their authority.

1.2 PURCHASING RESPONSIBILITY AND AUTHORITY - The University President is the Chief Executive Officer and is responsible for the operation and administration of the University. The President has delegated to the Purchasing Department the powers and duties prescribed in FAU Regulation 6.008, Purchasing.

1.3 DIRECTOR OF PURCHASING – The President shall delegate to the Purchasing Department the powers and duties to approve, execute and administer University contracts for the purchase of commodities and contractual services and to establish policies and best practices to facilitate such duties. In addition, the Purchasing Department has the responsibility to:

- A. Canvass sources of supply and enter into contracts for the purchase of goods or services including installment or lease-purchase contracts.
- B. Evaluate the ability of any vendor to remain on a competitive vendor list, based on the Vendor's responsiveness to competitive solicitations, the Vendor's ability to fulfill the duties specified in contracts, or any disruptive or unprofessional conduct or conduct which is not conducive to the University environment on the part of the Vendor or its agents.
- C. Negotiate with Vendors.
- D. Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/ services that are frequently purchased and are available from a single source.
- E. Evaluate and approve contracts let by the Federal Government, the State, other states, political subdivisions or entities, colleges, universities, educational

cooperatives or educational consortia for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities.

- F. Elect as an alternative to the provisions of FAU Regulation 6.008, Section (8)(b), to proceed with a bid solicitation or contract award process when it is set forth, in writing, the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University.
- G. Award contracts for commodities and contractual services. This includes the authority to make awards to multiple suppliers, awards in multiple year terms, or award contracts on behalf of multiple institutions or entities.
- H. Reject or cancel any or all competitive solicitations, in whole or in part, when determined to be in the best interest of the University.
- I. Purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University.
- J. Coordinate with the University Division of Facilities on the administration of Construction Services, which services shall be administered pursuant to Chapter 14 of the Florida Board of Governors (BOG) Regulations.
- K. To plan and coordinate purchases in volume and to competitively bid, negotiate and execute purchasing agreements and contracts for the recurring needs of the University;
- L. To prescribe the methods of securing bids or negotiating and awarding contracts;
- M. To negotiate on the best terms and conditions in the event no bids are received;
- N. To establish standards, formulate specifications, and determine the source of supply for any commodity or service requisitioned by any department of the University, except as specifically provided under Section 1.4, Contract Authority;
- O. To prescribe items and quantities to be purchased locally by departments;
- P. To execute contracts, whether by purchase order or other approved purchasing method, for commodities and services required by the University;
- Q. To develop, distribute, and maintain the policies and procedures manual of the Purchasing Department in furtherance of FAU Regulation 6.008;

- R. Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.

1.3.1 PURCHASING DEPARTMENT STAFF, DELEGATED AUTHORITY - The Purchasing Director has delegated signing authority to key Purchasing Staff with the following limitations:

Associate Director:	All contracts up to \$1,000,000
Assistant Director:	Purchase Orders up to \$500,000
Coordinators:	Purchase Orders up to the bid threshold
Purchasing Agents:	Purchase Orders up to the bid threshold
Office Manager:	Purchase Orders up to \$12,499
Administrative Support:	Purchase Orders up to \$12,499

1.4 CONTRACTING AUTHORITY OTHER THAN PURCHASING - The President has delegated to the following University positions, not under the supervision of the Director of the Purchasing Department, the contracting duties as follows.

- A. Senior Vice President for Finance and Chief Operating Officer - to approve and execute contracts for the University, in the absence of the President.
- B. University Provost, Academic Affairs - to approve and execute all grants, donations, and research and instructional contracts received on behalf of the University and to recommend to the Director of Purchasing the use of the sponsored research exemption.
- C. Director of Library - 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 library resource funds.
- D. Vice President, Research - to approve and enter into agreements for activities and programs using sponsored research and grant funds in accordance with University policies and procedures.

1.5 CODE OF ETHICS AND STANDARD OF CONDUCT - All University personnel engaged in purchasing and related activities shall conduct business dealings in a manner above reproach in every respect. Transactions relating to expenditure 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, including the President, Vice Presidents, Deans, Chairpersons, Directors, budget committee members, initiators of requirements and their supervisors, receiving personnel, finance and accounting personnel, pCard holders, and all members of a purchasing activity are bound by the standard of conduct

for public officers and employees set forth in Chapter 112, Part 3, Florida Statutes and Florida Atlantic University Regulations 5.011, University Ethics.

1.6 EMPLOYEE CONFLICT OF INTEREST AND GRATUITIES

A. Conflict of Interest - Except as may be permitted by the regulations of the Florida Atlantic University, it shall be a breach of ethical standards for any employee of the University to participate directly or indirectly in the purchasing process when the employee knows that:

1. He/she or any member of his/her immediate family, will benefit from a University purchasing transaction;
2. A business or organization in which he/she, or any member of his/her family, (spouse, children, parents, brothers and sisters) has a financial interest and will benefit from a University purchasing transaction; or
3. Any other person, business or organization with whom he/she or any member of his/her immediate family, is negotiating or has an arrangement for employment and will ultimately benefit from a University purchasing transaction;
4. All employees having a financial interest in a private concern shall file a statement annually with the University disclosing such interest;
5. All individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall be independent of, and have no conflict of interest in the entities evaluated and selected.

B. 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 for personal gain in connection with any contract for commodities or services. Current or potential contractors are prohibited from offering an employee of the University a gratuity of any kind for the employee's personal gain to influence the development of a contract or potential contract for commodities or services.

C. All individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall be independent of, and have no conflict of interest in the entities evaluated and selected. The University shall not accept a competitive solicitation from, or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date the person or affiliate was added to the convicted vendor list.

D. A person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be ineligible to contract with the University or compete for such procurements dealing with the specific subject matter.

1.7 BIDDING

A. Informal - For purchases up to \$12,499 informal quotations may be solicited in writing or by telephone. Verbal quotes may be documented on a work sheet, on the requisition, or with other documentation on file in the Purchasing Department.

B. Competitive Quotes - For purchases between \$12,500 and \$74,999*, competitive quotations must be obtained in writing from two or more sources when the commodity or service warrants competitive pricing and not otherwise exempted. The Purchasing Director may, at his/her discretion, waive the requirement for written quotations when it is in the best interests of the University. The purchasing file shall be documented prior to the processing of a purchase order by the Director as to the circumstances when competitive quotes are not obtained.

C. Formal - Purchases of contractual services, commodities or deferred payment contracts in excess of \$74,999* shall not be made without attempting to secure two or more formal bids, unless otherwise exempted herein.

D. For the purposes of determining the bidding threshold the total cost of the requirement may include any options, add or deduct alternates, and trade-ins, for the life of the contract including option years.

* The Bid threshold of \$75,000 is effective 11/18/2009 upon full approval of FAU Regulation 6.008, Purchasing.

1.8 TERM OR ANNUAL CONTRACTS - The Purchasing Department shall secure term contracts whenever possible. The essential feature of a term contract is the establishment of a source, or sources of supply, for a specified commodity or group of related commodities or services for a stipulated price and period of time. Contracts offer the economy of large-scale purchasing, although requirements are spread over an extended period of time.

1.9 VENDOR FILE AND SELECTION - The Purchasing Department has the responsibility to develop and maintain a vendor file. The Purchasing Department may use vendors recommended by the requisitioning department and expand the file maintained in the Purchasing Department as well as other appropriate resources.

1.10 PLANNING WITH DEPARTMENTS - If the needs of a department are complicated or extensive, or if a major project is being planned, the Purchasing Staff is available for assistance in planning for the acquisition of needed materials, equipment or supplies.

1.11 PURCHASES FOR INDIVIDUALS - The Purchasing Department is not authorized to make purchases for any individual or non-University organization.

1.12 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 Purchasing Rules. The splitting of orders is a prohibited activity and therefore, unlawful. 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.

1.13 AUTHORIZED EXPENDITURES - An expenditure of funds must be authorized by law and must meet the intent and spirit of the law authorizing the funds.

1.14 PURCHASES OF A PERSONAL NATURE - The expenditures from University funds for the items listed below are prohibited unless "expressly provided by law" or otherwise exempt:

- A. Congratulatory telegrams;
- B. Flowers and/or telegraphic condolences;
- C. Awards and Plaques;
- D. Entertainment;
- E. Refreshments, such as coffee and doughnuts;
- F. Decorative items, such as globes, statues, potted plants, desk lamps, picture frames, and wall hangings.
- G. Christmas or other greeting cards and postage for such cards;
- H. Personal subscriptions to magazines and trade journals;
- I. Desk pen sets;
- J. Coffee and coffee brewing devices.
- K. Portable heaters;
- L. Fans, for personal use;
- M. Refrigerators for personal use;
- N. Stoves and microwave ovens;
- O. Smoke filters and smokeless ashtrays.
- P. Various decorative items.
- Q. Clothing (except approved uniforms).
- R. Promotional materials and/or advertising expenses.
- S. Personalized printed materials such as envelopes and stationary, except business cards.

1.15 PURCHASES OF FOOD PRODUCTS, ROOM RENTAL AND ENTERTAINMENT

University policy prohibits the expenditure of public funds for food products, entertainment or similar items with the following exceptions:

- A. The product is used directly in instruction or research;
- B. The expenditure is specifically provided for in the terms of a contract, grant or donation;
- C. Short course or conference fees have been collected for the express purpose of paying for such items;
- D. Student functions, when approved by the Vice President, Student Affairs.
- E. Direct payment of hotel rooms for individuals must have the prior approval of the Comptroller's Office. In order to make this type of payment, there must be a substantial cost savings to the University above the tax liability.
- F. As specifically authorized by the grant or budget appropriation.

1.16 MOVING EXPENSES - Moving expenses for Faculty, Administrative and Professional, and University Support Personnel System employees must be approved in advance by the Vice President for the Using Department's division. Only direct payments to University contract moving vendors are authorized; all other expenses may be reimbursed through the Controller's Office via travel and non-travel related reimbursement procedures. Authorized expenses include packing and shipping household goods to a maximum 15,000 lbs. or a mobile home. Charges for unpacking and extra insurance are not allowed and must be paid separately by the moving party at the time of delivery. All moving expenses for storage of household goods and expenses for moving non-line employees and/or visiting professors must be approved by the University President.

- A. Requesting Department Responsibility – Obtaining the approval memo from the Vice President requesting approval to pay moving expenses. Memo should include the person's name, position coming from, the new position title and salary, the date of employment and the maximum dollar amount allowed for the move, Purchase Orders, and Employee Reimbursements. Submit a requisition to the Purchasing Department for the move, to include the name, current address, or address where goods will be moving from and the telephone number where the person can be contacted.
- B. Using Department/New Employee's Responsibility - The Using Department and/or the New Employee shall contact the Purchasing Department to obtain the names and contact information of the approved contract movers. The new employee will contact the

selected moving company(ies) to obtain a quote(s). The quote from the selected moving company shall be forwarded to Purchasing along with a funded purchase requisition and the signed VP approval memo prior to the move so that a purchase order can be issued.

- C. Purchasing Department's Responsibility - Issue purchase order after receipt of approval and moving company quotation. Make final arrangements with the commercial common carrier with regard to invoice and payment procedures. Assist the department and employee regarding university moving procedures.

1.17 EQUIPMENT ON A TEMPORARY TRIAL OR LOAN BASIS - Equipment placed on campus on a temporary trial or loan basis by a vendor must have the prior approval of the Purchasing Department.

1.18 CONFIRMING PURCHASE ORDERS - Departments are not authorized to place orders directly with vendors for goods or services. The Purchasing Department is the only authorized agent for the University. If a department has an immediate need, the Purchasing Department may confirm an order with a vendor after the proper acquisition method has been selected and executed. In the event that the department receives goods prior to the approval of the Purchasing Department, an explanation/justification shall be provided with the requisition.

1.19 WEAPONS - Only the University Police Department may purchase firearms and related items for use on the campus. Any department that desires to purchase firearms for academic or demonstration purposes must acquire written authorization from the University Police Chief.

1.20 CAPITALIZATION OF COMPUTER SOFTWARE - the cost of computer software (other than for research and development activities) purchased for data systems, computer systems, word processing systems, and other systems requiring operating software and documentation must be capitalized if all of the following criteria are met:

- A. absolute useful life of one year or more, and
- B. owned or having a non-time-limited license for use, and
- C. value of \$1,000 or more per unit of software.

Note: Upgrades to software must meet the same criteria as initial purchases for capitalization.

1.21 NOTICE WHEN CONSIDERING OUTSOURCING - The Director of Personnel Services and the Director of Purchasing shall be notified when the outsourcing of university functions, services or other alternative delivery systems are being considered, which may result in the layoff of employees. Such notice shall be sent to the above prior to a general announcement or issuance of requests for proposals.

1.22 AUDIT SERVICES - With the exception of the annual audits of the financial statements, most audit and audit-related services can be provided by the OIG; however, there may occasionally be a need for these services to be procured from a source outside the University. Appropriate personnel shall work with the Inspector General and determine (1) what audit and audit-related services may best be provided by the OIG versus an outside source, and (2) the level of involvement by the OIG in procuring audit and audit-related services from outside the University. Whenever these services are provided by a source outside the University, a copy of the written results shall be provided to the OIG.

1.23 SYSTEMWIDE CONTRACTS - The Inter-institutional Committee on Purchasing (ICOP) has developed policies and guidelines for establishing system wide contracts and cooperative agreements for use by the universities. ICOP will monitor frequent purchases made by the universities and initiate actions to establish system wide contracts as deemed necessary and appropriate. System wide contracts and cooperative agreements will be a standing agenda item for all ICOP meetings.

2.0 PURCHASING DEPARTMENT ORGANIZATION - Organizationally, the Purchasing Department consists of two (2) functional sections.

A. Acquisition and Contract Administration Section - This Section is responsible for the acquisition of all commodities and services which are to be used in the normal operation of the University. Purchasing action commences with the receipt of an authorized requisition form and normally ends when final payment is made to the vendor.

B. Administrative Support and Data Processing Section - This Section provides the administrative support and data processing functions required to support the needs of the Department.

C. The Purchasing Department maintains offices at the Ft Lauderdale and Harbor Branch campuses to provide services for using departments located in Broward and at the Harbor Branch Oceanographic Institute (HBOI), respectively.

3.0 GENERAL MONETARY LEVELS AND LIMITS

- A. \$12,500 - \$74,999: Competitive Quote Level. Two or more written quotes are required for procurements in excess of \$12,499 unless otherwise exempt;
- B. \$75,000* +: Formal Competition. Formal competitive bids or proposals, (ITB/RFP/ITN) are required on purchases of commodities, contractual services, deferred payment and revenue generating contracts in excess of \$74,999 unless otherwise exempt. A formal two-party contract may be required for contract and research subcontract services.
- C. Contracts providing for the payment of interest may be bid or financed through the Consolidated Equipment Financing Program (CEFP) administered by the Office of the State Comptroller. The cost of financing shall be considered in determining the cost of the procurement and the competitive requirements.

All deferred payment contracts of 5 years (60 months) or more requires the approval of the Board of Governors (BOG).

- D. For the purposes of determining the bidding threshold the total cost of the requirement may include any options, finance charges, add or deduct alternates, and trade-ins, for the life of the contract including option years.

* The Bid threshold of \$75,000 is effective 11/18/2009 upon full approval of FAU Regulation 6.008, Purchasing.

4.0 EXEMPTIONS FROM COMPETITIVE SEALED BID REQUIREMENTS

- A. Commodities and contractual services that are not subject to the competitive solicitation process include:
1. Artistic services;
 2. Academic reviews;
 3. Lectures;
 4. Auditing services;
 5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services. Written approval from the Attorney General is not required for private attorney services acquired by the University;
 6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
 7. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
 8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;
 9. Family placement services;
 10. Training and education services;
 11. Advertising;
 12. Services or commodities provided by the Federal Government, the State, other states, political subdivisions or entities, colleges, and universities;
 13. Continuing education events or programs that are offered to the general public for which fees have been 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 developed by the University;
20. Purchases for resale;
21. Accountant Services;
22. Contracts or services provided by not-for-profit, direct support, health support and University affiliated organizations and faculty practice plans;
23. Implementation, programming, or training services available from the owner of copyrighted software or its agent; and
24. Purchases of materials, supplies, equipment, or services for research purposes when the Director of Sponsored Research or designee, certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

5.0 PURCHASING ACTIONS NOT SUBJECT TO COMPETITION - Purchases in excess of the bid threshold must be made on the basis of competitive solicitations with certain exceptions. Purchasing actions that are not subject to the competitive solicitation process include:

- A. **Emergency Purchases:** When the President or designee determines, in writing, that the delay due to the competitive solicitation process would cause an immediate danger to the public health, safety or the welfare of person(s), animal(s), the preservation or protection of property, or the continuance of a vital University function, the Purchasing Department is permitted to proceed with the procurement of commodities or contractual services without a competitive solicitation. The emergency purchase shall be limited to the purchase of the type of items and quantities needed, or for a time period sufficient to meet the immediate threat, and shall not be used to meet long-term requirements.
- B. **Sole Source Purchases:** The Purchasing Department shall certify in writing that a particular commodity or service is available from a single source and shall publicly post the certification for three working days.
- C. **Cooperative Agreements:** Purchases from contracts and negotiated annual price agreements established by the Federal Government, the State, other states, political subdivisions or entities, colleges, universities, educational cooperatives or educational consortia are not subject to further competitive solicitation.
- D. **Construction Direct Purchase Program (Owner/Contractor Program):** In accordance with BOG Regulation 14.007, Competitive Negotiations, commodities to be incorporated into any public work which are procured by the University in accordance with the requirements of the University's direct purchase program, are not subject to any further competitive solicitation.

6.0 THE PURCHASING CYCLE

A. General

The requisition form is the most important document in the purchasing cycle. It is used to request purchases of all commodities/services through the Purchasing Department. It provides the index, fund and organization number to be charged, account authorization, item descriptions, quantity, delivery instructions, and desired delivery date. Complete and correct preparation of the requisition form expedites the purchasing process. Except in the case of an approved emergency, the requisition form must be received by the Purchasing Department before purchasing action can be initiated.

B. FAU Purchase Requisition-General Instructions

1. The purchase of needed equipment, materials, or services from off-campus sources shall be initiated on an FAU PURCHASE REQUISITION.
2. Each requisition should contain only those items that may be purchased from the same general category or vendor. For example, chairs, tables and desks should be combined on one requisition, but a typewriter and laboratory equipment should not be on one requisition.
3. When preparing a requisition state the noun first followed by descriptive information, including manufacturer and part number, if known.

6.1 PRICE DETERMINATION

A. General

1. For requisitioning purposes, departments may obtain quotes, rough cost estimates from catalogs, or use prior orders from vendors. A copy from a catalog or brochure will assist the Purchasing Agent in obtaining the correct item. When securing vendors' estimates, the requisitioner should be careful to avoid the impression that he or she is asking for an official bid or placing an order.
2. Upon receipt of a requisition, the Purchasing Department will determine the method to be used to obtain the actual purchase price. Consideration will be given to combining requisitions in order to insure minimum cost.

B. Bids/Proposals/Quotes

1. The Purchasing Department shall determine when a bid/proposal/quote is obtained for commodities, services, printing and deferred contracts for any item or group of items, except as provided in Section 5.0. The formal bid/proposal threshold is \$75,000, effective 11/18/2009. For purchases between \$12,500 and \$74,999, written quotes may be solicited when the commodity or service warrants competitive pricing.
2. The Purchasing Department may advertise any formal invitation to bid or request for proposal in a newspaper of general circulation when such public notice is deemed to be in the best interest of the University and consistent with the proposed purchase involved. Invitations to Bid, Requests for Proposal, and Invitations to Negotiate expected to be in excess of \$150,000 shall be advertised on the MyFlorida Vendor Bid System (MyFlorida.com), or on the Purchasing Department's web site. All bids shall be advertised and available to the general public for 30 days unless the Director of Purchasing determines that the compelling interests of the University require a reduced or extended bid time, or the use of alternative advertisement methods.
3. The formal bid process (ITB, RFP, ITN) typically requires 45 – 90 days starting with the customer's draft of the specifications/statement of work until a final award decision is made. This time includes review and approval of draft specifications, statutorily required public notice posting times, 30 days for vendor bid responses, and the proposal evaluation process.

The formal bid process for complex commodities and services will take longer than a standard ITB, RFP or ITN, especially where the award evaluation is comprehensive and negotiations with the Offerors will be conducted.

The Using Department should contact the Purchasing Department as far in advance of any major purchase to allow sufficient time to plan and accommodate the formal bid process.

4. When only one quote/bid-proposal is received for the purchase of an item or a group of items in a call for quotes/bids/proposals, the Purchasing Officer shall review the quote/bid/proposal to determine the reasons, if any, why only one quote/bid/proposal was received. If it is determined that a second call for quotes/bids/proposals would not be in the best interest of the University, the circumstances shall be documented and the Purchasing Agent may proceed with the purchase. If it is determined that a second call for quotes/bid/proposals would be in the best interest of the University, the Purchasing Agent may issue additional quote/bid/proposal solicitations. The Purchasing Agent shall document a single

quote/bid/proposal on the requisition for purchases' under the bid threshold; formal bid/proposals over the bid threshold will be documented with form PUR 23, Receipt of One Bid Certification.

5. In the event that no quotes, bids, proposals, or responses to Invitations to Negotiate are received in response to a competitive solicitation, the University shall negotiate the purchase at the best possible price at the most favorable terms.
6. In accordance with Florida Law, no purchase shall be divided or subdivided in order to circumvent the quote/bid/proposal requirements.
7. The Purchasing Department, at its sole discretion, shall determine whether a response meets or exceeds specifications.
8. The University shall reserve the right to reject any and all bids or proposals and such reservation shall be indicated in all advertising.
9. The opportunity to bid on a University contract is a privilege, not a right.
10. All contracts for the purchase of commodities or contractual services exceeding the bid threshold shall be awarded pursuant to a competitive solicitation, unless otherwise exempted.
11. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.
12. When multiple responses that are equal in all respects are received to a competitive solicitation, the Purchasing Department shall give a preference to responses that include commodities manufactured in the State, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state, in determining the contract award. If these conditions do not exist, or are the equivalent between two or more responses, a coin toss may be used.
13. The intended award shall be publicly posted by the Purchasing Department for 72 hours which is interpreted as three working days excluding Saturdays, Sundays, and State and University Holidays.
14. The contents of Requests for Proposal, Invitations to Bid and Invitations to Negotiate shall be kept confidential by the University until the University provides notice of an intended decision or as otherwise provided in Section 119.071, F.S.

15. In the case of extension errors, the extended price (unit price multiplied by the quantity) will be based on the unit price as stated in the Vendor's Response.

6.2 THE PURCHASE ORDER - The purchase order initiates a contract by accepting legally the offer made by the vendor.

6.3 CHANGE ORDER

A. A change order can be issued to modify quantities, encumbrances, terms and conditions, or to terminate the purchase order.

B. Departments may initiate requests for change orders in writing. An authorized signature is required for all change order requests.

6.4 LIMITED PURCHASE ORDER (LPO) - The LPO system allows the departments to issue and receive materials up to \$999.00 without submitting an FAU Purchase Requisition through Purchasing. The LPOs are obtained by requesting the number of LPOs and the dollar amount for each LPO on memorandum LPO 1/95. An authorized signature is required for all LPO requests. The LPO numbers are assigned and the document is issued to the requestor. The department will complete the information required. The department is responsible for submitting the relevant documents to the Controller's office, receiving the material at their location, and arranging for returns, if necessary.

6.5 PAYMENT AUTHORIZATION - There are six (6) ways purchase orders can be coded to authorize payment:

- A. Building Number and Room Number, example 10-207, tells the Controller's office that the delivery is scheduled through Central Receiving/Mail Room and they must have a signed receiving report before payment can be processed.
- B. SIGNINV (The Controller's office can process payment when the invoice has been approved by the using department.)
- C. INVOICE (The Controller's office can process payment when they receive the invoice.)
- D. COMPFRM (The Controller's office must have signed completion forms in addition to an invoice before payment can be processed.)
- E. F & A (For Internal Office Use Only)
- F. DONATED (Used to add donated items to the University's property record.)

6.6 PRIVATE-I QUERY SYSTEM

As part of a comprehensive green initiative, the Purchasing Department has established the Private-I viewing utility for the dissemination of purchase order information. Effective January 1st, 2010, the utility will replace paper copies and is expected to reduce FAU's carbon footprint significantly by saving over one million copies annually. Vendors will receive PO's electronically and Using Departments will be able to query orders online by a variety of search criteria. Please contact the Purchasing Department for access to Private-I.

7.0 COMMUNICATION, MEDIA, AND CREATIVE SERVICES MATERIALS

7.1 PRINTING

A. Definitions

1. **Printing** - The transfer of an image or images by the use of ink or similar substance from an original image to the final substrate through the process of letterpress, offset lithography, gravure, screen printing, or engraving. Printing shall include the process of and the materials used in binding. Printing shall also include duplicating when used to produce publications.
2. **"Duplicating"** - The process of reproducing an image or images from an original to a final substrate through the electro photographic, xerographic, laser, or offset process or any combination of these processes, by which an operator can make more than one copy without rehandling the original.

B. The University shall purchase, when economical, recycled paper if and when recycled paper can be obtained that is of adequate quality for the intended purposes.

C. **Preference Given Printing Manufactured in Florida** - Preference shall be given to bidders located within the state when awarding contracts to have materials printed, whenever such printing can be done at no greater expense than, and at a level of quality comparable to, that obtainable from a bidder located outside of the state.

D. **Items to Be Included in Bids** - All bid invitations issued by the University for printing shall provide in the bid conditions that all cost for delivery, storage, freight, and packing are to be prepaid by the vendor, F.O.B. the address or addresses listed on the bid invitation unless otherwise specified.

E. **Agreements with Vendors for Private Publication of Public Information Materials:**

1. The University may enter into agreements to secure the private publication of public information brochures, pamphlets, audiotapes, videotapes, and related materials for distribution without charge to the public. The University may:
 - a. Enter into agreements with private vendors for the publication or production of such public information materials, by which the costs of publication or production will be borne in whole or in part by the vendor or the vendor agrees to provide additional compensation in return for the right of the vendor to select, sell, and place advertising that publicizes products or services related to and harmonious with the subject matter of the publication.

- b. Retain the right, by agreement, to approve all elements of any advertising placed in such public information materials, including the form and content thereof.
2. Any public information materials containing advertising of any kind must include a statement providing that the inclusion of advertising in such material does not constitute an endorsement by the University of the products or services so advertised.

F. Information to Be Supplied with Requisition:

1. Printing requirements should be planned well in advance to permit purchase in compliance with the procedures described above.
2. Adequate information should appear on the Requisition form to insure that the required printing is obtained. The following list of terms may be of assistance in describing the printing desired: type style, type size, color of ink, size of paper, color of paper, weight of paper, number of pages, printing on one or both sides, printing on inside of cover, stapled, stitches, perforated, scored, folded, numbered, padded, packaged.
3. The requisition should also include the following information: date final copy will be available; date for receipt of proof, if required; date final delivery is required; point of delivery; person to be contacted in requisitioning department if additional information is required; and any other pertinent information.
4. If samples of similar printing jobs are available, copies should be forwarded with the requisition. Should samples not be available, one copy of the document to be printed should be forwarded, if available.

7.2 UNIVERSITY PUBLICATIONS POLICY

Acquisition of publications, media services, and printing or duplication services by University Departments and/or individuals shall be pursuant to the procedures set forth by the University's Marketing & Creative Services Department.

All printing requirements are subject to the review and approval of Marketing & Creative Services, except for business cards, letterhead, and envelopes which are purchased by the Purchasing Department from Florida's Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE).

The Purchasing Department will not contract directly for printing services for any publications, except upon request of the University Publications Office. The Purchasing Department is responsible for the calling of formal bids and the awarding of contracts.

7.3 BRAND MANAGEMENT

The development of a brand identity for FAU was a collaboration of faculty, staff, students and the community. The resulting set of standards and guidelines dictates how the University should be represented in all communications. The Division of University Communications and Marketing has been charged with managing the University's brand through the monitoring and oversight of the visual and editorial identity of the University and its entities. This includes, but is not limited to, overall brand and image representation, logo use, editorial style review and design approval.

To maximize the effectiveness of the brand, it is important for everyone associated with University activities to make every effort to understand the brand and to adhere to the standards set forth. Any individual responsible for creating communications materials should be familiar with the visual standards manual and the editorial standards. All materials intended for dissemination to non-academic internal and external audiences need prior approval from Marketing and Creative Services within the Division of University Communications and Marketing.

7.4 TRADEMARK LICENSING

A trademark licensing program gives the University control over its logos and marks, thus, ensuring the quality and consistency of all of the University's merchandise. Any mark, logo, symbol, nickname, letter(s), word(s) or combination of these that can be associated with the University qualifies as a trademark.

Any vendor wishing to use the marks, logos and symbols of the University must obtain a trademark license. All trademark products will be considered and must be approved by the Director of Athletics Marketing. No products will be licensed without the approval of the Director of Athletics Marketing. This ensures all products associated with the University are of high quality and good taste and, ensures the non-approval of potentially hazardous items.

Failure to obtain a license or approval from the Athletics Marketing Office will be grounds for the seizure of all non-approved merchandise bearing the University's marks. It also could result in jail time and numerous fines if convicted.

FAU assumes no financial responsibilities whatsoever to any individual, vendor, department or organization resulting from the ordering, delivering, or acceptance of non approved products and services that required licensing and trademark approval.

8.0 INFORMATION TECHNOLOGY RESOURCES

A. Definition

1. "Information technology resources" means data processing hardware, software, services, supplies, personnel, facility resources, maintenance, and training.

B. Statutes (F.S. 282)

State University System Information Resource Plan
Information Resource Managers
Information Resource Management Operating Plan
Annual Performance Reports
Budget Schedule

C. General Information and Guidelines

Florida Statutes require that information technology resources may only be acquired if approved by the University's Information Resource Manager as part of the Information Resource Operating Plan or any supplement thereto. The University's Information Resource Manager (IRM) is responsible for determining the level of approval required for each item. The IRM has the authority to approve any acquisition up to \$1,000,000 and secures all necessary approvals from external agencies, if required.

8.1 COMMUNICATION EQUIPMENT - Communications Technology Resources are subject to the same rules and regulations as Information Resource Technology. Therefore they are also subject to the procedures listed above. In addition the following guidelines also apply.

- A. All purchases of communication equipment, telephone systems, and modems require approval of the FAU Telecommunication Services Department.
- B. The University has delegated authority to acquire, lease, and use broadcast communications equipment, facilities, and services by FCC licensed broadcast stations.

C. Acquisition

1. Requesting Department Responsibilities -- The requesting department submits a purchase requisition to the Purchasing Department complete with State Contract and commodity numbers, if known, or complete specifications.
 - a. Explain the reason for requesting the equipment and its proposed use. This information may be on the requisition, or attached;

- b. If the equipment is on State Contract, enter the commodity and contract number on the requisition form;
 - c. If the equipment is not on State Contract, a complete detailed specification and justification for contract exception must accompany the requisition form;
 - d. If the cost of the equipment is expected to exceed the bid threshold and is available from a single source, a Sole Source Certification must be submitted with the requisition form in accordance with the procedures in Section 5.1.
2. Purchasing Department Responsibilities;
- a. Forwards requisition to the FAU Telecommunications Services Department for approval.
 - b. For equipment exceeding the bid threshold and not on State Contract, a proposed Invitation to Bid, with bid specifications is issued.
 - c. The bid evaluation is coordinated with the using department, Purchasing, and Telecommunications personnel.

9.0 LEASES AND INSTALLMENT-SALES ACQUISITIONS OF EQUIPMENT

- A. Leases, including month-to-month leases and all other leases of equipment regardless of the period of time, are subject to the review and approval of the Purchasing Department and approval of the Senior Vice President of Financial Affairs.
- B. All deferred payment contracts, including CEFP, of 5 years (60 months) or more requires the approval of the Board of Governors (BOG).
- C. Interest on deferred payment commodity contracts is defined as a commodity and is subject to the bid requirements if the interest exceeds the bid threshold.
- D. Requesting Department's Responsibilities - The requesting department shall be responsible for submitting a requisition for the lease or installment purchase of equipment to the Purchasing Department with the following information:
 - 1. Equipment specifications,
 - 2. Lease versus purchase cost analysis,
 - 3. A statement from the Dean, or appropriate Vice President guaranteeing that funds will be provided during the entire term of the lease.
- E. Purchasing Department Responsibilities
 - 1. Leases - The lease of equipment is subject to the Purchasing and bid procedures contained herein. All leases shall contain a cancellation clause, and an availability of funds clause. Leases may contain renewal options, if appropriate.
 - 2. Installment Sales Agreements - The Purchasing Department may submit requests for installment-sales agreements to be financed under the Consolidated Equipment Financing Program (CEFP) to the Department of Management Services. Upon receipt of approval by the CEFP, the Purchasing Department will notify the vendor furnishing the equipment, that financing has been arranged.

10.0 RETAIL AND SPONSORSHIP OPPORTUNITIES

The FAU Retail/Sponsorship Committee has been established to review and recommend potential business opportunities. Such opportunities include retail, activities that are commercial in nature and sponsorship ventures to serve the students, faculty, staff, alumni and visitors of Florida Atlantic University and to serve as a central entrepreneurial repository of information.

Additionally, it is the responsibility of the committee to make recommendations to the Associate Vice President of Financial Affairs as to the viability and appropriateness of these opportunities before a formal acquisition process begins.

The committee shall be guided by the principle of creating a synergy among the current retail and commercial enterprises at FAU and future opportunities. In doing so, the committee serves to provide a uniform basis for evaluating proposed enterprises. If the committee recommends that a proposal be pursued, it may also recommend the means by which the proposal is advanced. Retail/Sponsorship opportunities shall be vetted through the Director of Business Services (Chairperson) for possible evaluation by committee.

11.0 TERM CONTRACTS

A. Term contracts are indefinite quantity contracts whereby a contractor agrees to furnish an item(s) or services at a specified price, during a prescribed period of time (such as three, six, nine, or twelve months, or a specified date). The specified period of time or date completes such contracts.

B. Multi-Term Contracts

1. Specified Period - 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 the terms of the contract and conditions of renewal or extension, if any, are included in the solicitations and funds are available for the first fiscal period at the time of contracting. The performance of the University of any of its obligations under a multi-term contract shall be subject to and contingent upon the availability of funds appropriated by the Legislature of the State of Florida, the obligation of funds by the prime funding agency, or otherwise lawfully expendable for the purposes of the agreement for the current and future periods.

2. Determination Prior to Use - Prior to the use of a multi-term bid/proposal, it shall be determined that:

a. Estimated requirements cover the effective period of the bid/proposal and are reasonably firm and continuing; and,

b. Such bid/proposal will serve the best interest of the University by encouraging effective competition or otherwise promoting economies in University purchasing.

3. Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods - When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the order shall be paid only for supplies or services already received under the contract.

C. University Term Contracts - Departments will be contacted if purchases of a recurring nature indicate that a term contract would be advantageous. Information as to specifications and estimated annual usage shall be supplied by the using department. Blanket Purchase Agreements may be used to consummate purchases against these contracts. Departments may request assistance of the Purchasing Department in establishing term contracts.

D. State of Florida Term Contracts - The University may acquire any commodity which is available on any term contract or price agreement executed by the State Department of Management Services when such purchase is most advantageous to the University, with

price, quality, performance and other factors considered. Any such purchases by the University are exempt from competitive bid requirements.

E. PRIDE - Any service or item manufactured, processed, grown, or produced by Florida's Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE). PRIDE, a private not-for-profit corporation established pursuant to Florida Statutes 946.515, shall be purchased by the University from this corporation, when price and quality are determined to be comparable to articles required by the University.

F. Cooperative Purchase Contracts - The Purchasing Department may evaluate and approve for use contracts let by the Federal Government, the State, other states, political subdivisions or entities, colleges, universities, educational cooperatives or educational consortia for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities.

12.0 SPECIAL PROCEDURES - This section contains Special Procedures of the Purchasing Department.

12.1 BLANKET PURCHASE ORDERS:

- A. General - A Blanket Purchase Orders (also known as a “Standing Purchase Order” or “Blanket”) is a simplified method of filling urgent needs for small quantities of supplies or services typically needed on an infrequent basis, for indeterminable time periods, or unknown quantities by establishing open accounts with qualified suppliers. Blankets are designed to expedite the acquisition of urgently, and/or frequently, needed supplies or services and to reduce administrative costs in accomplishing small purchases by eliminating the need for issuing individual purchase orders.

- B. Limitation on Use - A Blanket Purchase Order may not be used when:
 - 1. The aggregate monetary value will exceed the bid threshold for any one type of item or service in any twelve-month period (unless a bid is referenced).
 - 2. Purchases are for capital (property > \$999.00) items; or
 - 3. Purchases are of a personal nature; or
 - 4. The term is for longer than one calendar year (unless a bid is referenced); or
 - 5. The term will cross fiscal years utilizing annually appropriated funds or longer than the funding authorization (grant, aux, and local funds); or
 - 6. Purchases are for commodities covered by the State of Florida, Department of Management Services Contracts, University Contracts, and SUS Contract or other exempted category.

- C. Establishing a Blanket Purchase Order - Requisitions are prepared by the using departments and forwarded to the Purchasing Department. One requisition is required each fiscal year for each account and each vendor. Requisitions using grant funds which do not expire on June 30, should show the expiration date of the grant, one calendar year, or as required by the department, whichever is the earliest date. Each requisition submitted to establish a Blanket must contain the following information:
 - 1. All header information on the requisition form, e.g., department, Banner organization, fund and index number;

2. Description of supplies or services to be furnished by the vendor, limited to specific items or commodity groups or to all items that the supplier is in a position to furnish (see limitation on use above);
 3. Suggested beginning and ending dates;
 4. Dollar amount to be encumbered for anticipated expenditures sufficient to defray total anticipated charges;
 5. List of names of individuals authorized to make purchases on the agreement;
 6. List of names authorized to approve invoices on the agreement;
 7. Delivery and pick-up terms;
 8. Superseded purchase order number, if applicable.
- D. Blanket Purchase Order Pricing and Other Conditions - The Purchasing Department will negotiate an agreement on prices, discounts, minimum purchases, and delivery with the supplier before the Blanket Purchase Order is issued.
- E. Orders Against Blanket Purchase Orders - Orders against Blankets may be made verbally by an individual authorized to place orders against the agreement. When placing an order, the individual should identify himself/herself and give the applicable purchase order number.
- F. Delivery of Goods or Services - Invoices for items charged against blanket orders must be approved by an authorized signature as listed on the purchase order.
- G. Invoices in Conflict with Conditions of the Blanket Order - The University Controller's Office verifies that invoiced items agree with the conditions of the blanket order. Any invoices in conflict will be returned to the using department.
- H. Funds Increase/Decrease - The encumbrance of a Blanket Purchase Order may be increased or decreased by the using department by submitting a request for a change order to the Purchasing Department. (See Section 6.3 above)
- I. Termination of Blanket Order - The agreement may be terminated by the using department by submitting a request for a change order to the Purchasing Department. The order may be unilaterally terminated by the Purchasing Department for misuse or failure to follow the procedures set forth herein. All Blanket Orders expire on the end date specified in the Purchase Order unless otherwise modified.

- J. Superseded Requisition - If a requisition supersedes a previous Blanket (usually from one fiscal year to next) list the superseded number. The Purchasing department will use the new requisition as authority to close out the superseded number after July 1. Exception is for Blankets that have a specific payment schedule.

12.2 BLANKET MAINTENANCE OR SERVICE AGREEMENT - Requisitions for maintenance or service agreements on office machines or laboratory equipment must include the following information:

- A. A statement that the equipment is not under warranty for parts or labor;
- B. Location of machine and name of contact person;
- C. Name brand, model number, serial number, and decal number of equipment;
- D. Beginning and ending dates of maintenance period;
- E. List of names authorized to approve invoices; and
- F. The proposed maintenance agreement, if available. Please note that the using department is not authorized to sign and approve vendor maintenance agreements. All agreements should be submitted with the requisition for signature and approval by the Purchasing Department.

12.3 WALK-THRU ORDERS – Should a department have an immediate need to call in an order or pick up items a requisition may be walked to Purchasing provided the requisition amount is less than \$1000. The requisition will be checked for vendor name and address, account number, and authorized signature. The available balance will be checked. If approved by a Purchasing Officer, a purchase order number will be assigned. Purchasing will give the purchase order number to the person to call into the vendor or pick up the material. Purchasing will process the order, coding it CONFIRMATION and SIGNINV. The invoice must be approved for payment by an authorized person for the account. It is the department's responsibility to take the invoice to the Controller's office for pick up orders. Any follow up for delivery is the department's responsibility.

Printed copies of Purchase Orders will not be sent to the Vendor. Walk-thru order requests will not be processed for After-The-Fact purchases.

12.4 CONTRACTUAL AGREEMENTS

- A. Contractual services are defined as the rendering of a contractor of its time and effort rather than furnishing specific commodities. This definition applies to individuals who are not performing the duties of an authorized position. OPS employment is not considered

a contractual service nor be processed by Purchasing. The written agreement for contractual services shall be signed by all parties prior to the rendering of any service. For the purposes of this section, Construction is not considered a service.

- B. Requirement for Agreements – Unless otherwise exempted, all procurements of contractual services in excess of the bid threshold shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services. A purchase order may be used in lieu of a separate contract agreement provided that the order is signed by both parties and all the necessary terms and conditions are stated.

The terms and conditions of an agreement should be stated clearly and unambiguously in order that any person would have no difficulty in determining that the precise duties and obligations undertaken by the University are not in violation of any of the laws of the state relative to the expenditure of funds.

At the discretion of the Purchasing Department, a contractual agreement may be required for supply items, particularly when the acquisition involves: a term contract, the furnishing of supplies with significant service and installation costs, the production of items from design or performance specifications, research and development equipment, high-value/unique/non-standard supplies and equipment, long lead time production items, or agreements involving partial payment schedules or definitive project phases.

Agreements may be necessary in procurements less than the bid threshold when:

1. The requirement for an agreement is prescribed by a commanding authority, such as grant subcontracts.
 2. Procurements where an agreement is necessary to protect the University's best interests.
 3. Complex service contracts to establish the payment method, payment schedule, contract deliverables, or performance standards.
 4. Required by the contractor.
- C. Only university personnel specifically delegated the authority, in writing, by the President are authorized to sign agreements and financially commit the University within the limits of their delegation. No department or individual, unless specifically delegated so, may sign any agreement or represent in any manner whatsoever to an individual or business that they possess the authority to bind the University. All agreements must be signed by the person with the delegated authority. All agreements are subject to legal

review and approval prior to signature, except for those specific agreements, conditions, and circumstances assigned to the Purchasing Department.

- D. The approval of any contract or agreement by an authorized signatory does not absolve nor exempt the Using Department from full and satisfactory compliance with the Purchasing requirements especially adherence to the competitive thresholds. All contracts and agreements should be coordinated with the Purchasing Department for compliance prior to review by General Counsel or signature by an authorized person.

12.5 ORGANIZATIONAL MEMBERSHIPS - Florida Statutes 119.012 provides that public funds shall not be used for dues to any association, group or organization the records of which are not open for inspection to any citizen of Florida. Requests for payment of organizational dues must be accompanied by a certification signed by an authorized representative of the organization stating that their records are open for inspection by any citizen of the State of Florida. It shall be the responsibility of the Using Department to obtain the required statement before processing an organizational membership. A "benefit to the state" shall be included on each requisition for membership.

12.6 LEASES FOR REAL PROPERTY – Leases of real property, office space, and storage units require advanced review and approval from the Office of Space Utilization and Analysis (OSUA) in accordance with the policies and procedures established by OSUA.

The following general guidelines apply:

- A. Leases of space less than 5,000 sqft do not require a formal bid regardless of total cost.
- B. Leases for space less than 500 sqft or for a term less than one year are considered rentals and do not require OSUA approval.
- C. Leases in FAU's affiliate Research and Development Parks must be certified and approved by the President and the Board of Trustees (BOT), as required, as serving the best interests of the University and that exemption from the competitive bid process would not be detrimental to the institution.
- D. Florida Atlantic University utilizes the following procedures when executing leases for real property:
 - 1. Before initiating the search for, or prior to the leasing of space, buildings or any portions thereof, approval must be first obtained by the requesting department from the Office of Space Utilization and Analysis (OSUA).
 - 2. Lease terms and conditions other than the University's Standard Lease agreement shall be reviewed as to form and legality by the University Attorney. The University

President, the Director of Purchasing, or authorized signatories with delegated authority, shall execute all leases.

3. Nothing in these procedures shall be interpreted as circumventing the provisions of Florida Statutes as it relates to facilities for the handicapped.
4. All leased space shall comply with all applicable codes and the fire safety standards of the State Fire Marshal. All renovations or modifications of leased space must be approved for code compliance by OSUA prior to occupancy.
5. The University shall not enter into a lease for 5,000 square feet or more of space in a privately-owned building except upon advertisement for and receipt of competitive bids/proposals. The University shall not enter into, within any 12-month period, more than one lease for space of a total of 5,000 square feet or more in the same privately-owned facility or complex except upon the solicitation of competitive bids/proposals.
6. Competitive bidding shall not be required for leases of space of 5,000 or more square feet in a privately owned building where such leases:
 - a. are renewals of existing leases,
 - b. have a term of less than 21 consecutive days,
 - c. are for nominal or no consideration,
 - d. are for the purpose of providing care and living space for persons,
 - e. are extensions of an existing lease of 5,000 square feet or more, provided that such extensions are in the best interest of the University and are not for a period exceeding 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, the University shall solicit competitive bids,
 - f. are specialized educational facilities (excluding classrooms), or
 - g. are otherwise exempt from the competitive bid requirements.
7. The University shall establish a rate it will pay for leased space based on average rental rates in the local area for facilities of use. The DMS rental rate guidelines may be used in evaluating lease decisions.
8. Disclosure Statements - Private Entities, Public Officials.
 - a. A statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the state or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.

- b. A statement by the owner providing for full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases, modifications to approved leases, and notifications of renewal under a lease option.
- c. It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, which stock is for sale to the general public. A statement certifying the registration shall be provided by the lessor.
- d. It is not necessary to make disclosure under Subsections 1. and 2. of any leasehold interest in property located outside the territorial boundaries of the United States.
- e. Each subsequent transaction pertaining to a lease for which a disclosure statement has been provided, may be accompanied by a lessor's affidavit that the previous disclosure statement submitted is still valid, if the interest held or individuals concerned has not changed.

13.0 TRADE-IN OF UNIVERSITY-OWNED PROPERTY

- A. Departments wishing to trade-in equipment must submit a requisition for the commodity to be purchased and include the following information about the equipment to be traded: noun name, model number, serial number, property or decal number, date originally purchased, and requisition cost. An approved "Request for Relief of Accountability by Survey or Trade-In (PROP-1)" form authorizing disposal by trade-in should accompany the requisition.
- B. The Purchasing Department obtains a firm price for the equipment that is to be traded following established purchasing procedures.
- C. A copy of the requisition, together with copies of the bid or price quotation, is forwarded to the Coordinator of Property Management, who may offer to reutilize the equipment or surplus in lieu of trade-in.
- D. To determine the appropriate bid/quote level requirements involving trade-in property, the value of the trade-in property and the price of any new equipment is combined together (not deducted) to calculate the net total value of the transaction.

13.1 REPAIR AND CONTROL OF EXCESS PROPERTY

- A. Definitions
 - 1. General Office Equipment: Consists of typewriters, calculators, dictation equipment, and any other type of equipment required to carry out the administrative operating needs of a department;
 - 2. Special Purpose Equipment: Items of equipment not defined to be either furniture, audiovisual, computer hardware or general office equipment, such as printing, laboratory, and physical plant service equipment;
 - 3. Excess Property: Property, regardless of its physical condition, which is excess to the needs of the department custodian;
 - 4. Serviceable Property: Property that has been used, but is in a serviceable condition;
 - 5. Repairable Property: Property that has been evaluated and determined that repair is economically feasible;
 - 6. Salvage Property: Property which, because of its worn, damaged, deteriorated, or incomplete condition, or specialized nature, has no reasonable prospect of sale or

use as serviceable property without major repairs or alterations, but which has some value in excess of its scrap value;

7. Scrap Property: Property that has no reasonable prospect of being sold except for the recovery value of its basic material content;
8. Surveyed Property: Property, regardless of its physical condition, which is surplus to the needs of the university. This will include property which has been lost or stolen. No property will be classified as being surplus to the needs of the University without the prior approval of the Property Survey Board;
9. Trade-in Property: University-owned property in a serviceable, repairable or salvageable condition which can be used as a trade-in against the purchase of new, similar equipment.

B. Property Repair Procedure

1. General Office Equipment

- a. Office Equipments: The using department shall initiate a requisition for the maintenance and repair of general office equipment when economically feasible.
- b. Audio-Visual Equipment: The using department shall contact University Learning Resources for maintenance on televisions, VCRs, DVDs, stereo, data projectors, and other like equipment. In the event that Learning Resources is unable to repair the asset and the item is repairable, the using department may initiate a requisition for maintenance/repair of the item.
- c. Computer Hardware: All maintenance and repair requests for computer hardware and peripherals shall first be submitted to the IRM Help Desk.
- d. Other General Office Equipment: Call the Purchasing Department, for instructions.

3. Special Purpose Equipment - A requisition form shall be initiated and forwarded to the Purchasing Department when special purpose equipment is in need of a preventative maintenance inspection or repair services. In addition to the normal header information, the requisition form should indicate the following:
 - a. Name brand of equipment;
 - b. Serial and model number;

- c. University property decal number;
 - d. Name, location, and telephone number of primary operator;
 - e. Type of service needed - preventative maintenance inspection or repair services. When repair service is needed, state how equipment malfunction was observed.
 - f. The using department is not authorized to sign any vendor maintenance agreements. All agreements should be submitted with the requisition for signature and approval by the Purchasing Department.
4. A confirming purchase order will be placed with the selected maintenance vendor when the total cost of repair is known or for an amount necessary to cover all known charges for inspection/evaluation services. If it is determined that the equipment is beyond economical repair the using department shall contact the Property Management Department to initiate the survey of the property. If the equipment is economically repairable the purchase order shall be modified to cover the full cost of the repair.
- C. Excess Serviceable Property: Serviceable property which is excess to the needs of any department responsible for its custody should be permanently transferred to the Surplus Property section of the Property Management Department so that it can be offered to other departments or otherwise disposed of in accordance with the University's property management procedures. The Purchasing Department will issue bids for Surplus Property Sales to the public, as requested by the Property Management Department. All Surplus Property Sales, regardless of the value or number of items to be disposed of, will be evidenced by a Surplus Property Sale bid.

14.0 LIMITED AND SPECIAL PURCHASES

14.1 ACQUISITION OF MOTOR VEHICLES, WATERCRAFT OR AIRCRAFT

- A. Approval - The University shall not acquire any motor vehicle, watercraft or aircraft through purchase, lease, lease purchase or transfer from another public entity, without the proper authorization.

- B. Acquisition
 - 1. Requesting Department Responsibilities - The requesting department shall submit a requisition to the Purchasing Department complete with the following information:
 - a. Completed written request for purchase of mobile equipment;
 - b. If the mobile equipment is on State Contract, enter the State Specification and Contract number on the requisition form;
 - c. If the mobile equipment is not on State Contract, a complete detailed specification, including optional equipment, must accompany the requisition form. Justification for the purchase as a contract exception must also be submitted.
 - d. A justification on the need for the vehicle including a discussion regarding the particular type/style of vehicle selected, and any extra features provided above and beyond the base vehicle configuration.
 - 2. Purchasing Department Responsibilities-Upon receipt of the required document, the Purchasing Department shall complete the acquisition following established purchasing procedures. Physical Plant's Transportation Department, shall be notified upon receipt of requisition for mobile equipment and will be responsible for processing the vehicle into the University's fleet pool.
 - 3. University Vehicles will comply with the Division of Communications and Marketing, Visual Standards Manual, and shall comply with the vehicle colors authorized and utilize only approved trademarks and logos.
 - 4. In accordance with the Energy Policy Act of 2005 (EPAAct 2005, as amended), Florida Atlantic University has been mandated to purchase "E85" compliant flex-fuel vehicles. This is federally mandated program which applies to Florida public entities in specified metropolitan regions, and extends to all FAU campuses. Vehicles purchased for the University must comply with this mandate.

14.2 ACQUISITION OF DUPLICATING/COPY MACHINES - Acquisition of Duplicating/Copy Equipment - All requests for the purchase or lease of equipment utilized for the purpose of reproducing materials are initiated by completing the Duplicating/Copying Equipment Approval Form and submitting it to the Business Services Department for approval. Upon receipt of approval by Business Services, the department shall submit a requisition and the approved University form to the Purchasing Department. Purchasing shall follow the standard purchasing procedures for leasing or purchasing equipment as outlined herein.

14.3 ACQUISITION OF TOXIC SUBSTANCES - All orders for toxic substances should contain a statement for the supplier to furnish the material safety data sheet (MSDS) with each shipment of toxic materials. The MSDS sheets shall be forwarded to Environmental Health and Safety for distribution to the appropriate departments.

14.4 ACQUISITION OF WEAPONS AND EXPLOSIVES - Only the University Police Department may purchase firearms, explosives and related items for use on the campus. Any department that desires to purchase firearms for academic or demonstration purposes must acquire written authorization from the University Police Chief and comply with all prescribed safety, security and accountability procedures for the materials.

14.5 ACQUISITION OF RADIOACTIVE MATERIALS - Radioactive materials are controlled by the University's Radiological Safety Officer (RSO) for Environmental Health and Safety (EH&S). Approvals for the purchase of radioactive materials must be received by the RSO in advance. Only the RSO may receive and transport radioactive substances. The using department must comply with all University guidelines and directives regarding the safety, storage and disposal of these materials.

14.6 ACQUISITION OF CONTROLLED SUBSTANCES - Controlled substances by licensed personnel and may only be ordered with the approval of the Division of Research. The using department must comply with all University guidelines and directives regarding the safety, storage and disposal of these materials.

14.7 ACQUISITION OF LIVE ANIMALS - Live animals may only be ordered with the approval of the Division of Research, Veterinary Services. The using department must comply with all University guidelines and directives regarding the safety, and handling of live animals.

14.8 ACQUISITION OF PESTICIDES AND HAZARDOUS MATERIALS - All hazardous materials and pesticides are controlled by the Environmental Health and Safety (EH&S). Only EH&S personnel can receive, transport and dispose of such material. The using department must comply with all University guidelines and directives regarding the safety, storage and disposal of Hazmat.

14.9 ACQUISITION OF CONSTRUCTION AND RENOVATION SERVICES -

All construction projects, renovations, and alterations to buildings, offices and land require approval from Facilities Planning. Approval is required for any alteration to a structure, land, or room including renovations for shelving, wall mountings, carpeting, and any ceiling mount such as data projectors and TV's.

14.10 RECEIPT OF UNSOLICITED GOODS - Florida Statutes 570.545 states that when unsolicited goods are delivered, the person is not obligated to return the goods to the sender. However, to assist with the identification of misdirected legitimate purchases or due the potential liability of a vendor employing unfair business practices, University personnel are requested to contact the Purchasing Department anytime goods or services are received that were not requested by the Using Department.

14.11 INSURANCE – The University's Risk Management Program is managed by Environmental Health & Safety's (EH&S) Risk Manager. Insurance coverage for existing university property, the purchase of new insurance, claims, and other risk services both under the State's Risk Trust Fund and outside commercial carriers should first be coordinated through the EH&S Risk Manager. This includes coverage for specialty items like high value lab equipment, art, and marine insurance. Coverage for special events, transit shipping and other insurance as may be required for the use of off-campus facilities also require advanced coordination through the University's Risk Management Program.

15.0 SMALL AND MINORITY BUSINESS PROGRAM

15.1 AUTHORITY

The Florida Small and Minority Business Assistance Act of 1985 as amended by Chapters 91-162, 94-322, and 98-295 Laws of Florida, and as prescribed by Florida Statutes 1001.74 (6) (d) states, "...each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises...".

Also, in accordance with Executive Order 99-281 - One Florida Initiative - Equity in Contracting, Florida Atlantic University is committed to the fair and equal opportunity for all vendors to compete in the procurement process. FAU does not reserve procurements nor provide price preferences on any acquisition.

Accordingly, Florida Atlantic University's Regulation 6.008, Purchasing, Purchases from Minority Business Enterprises, state:

The University is an equal opportunity institution, dedicated to improving small and minority business participation in its Purchasing program and to continuing support for all segments of Florida's business community. The University will strive to solicit, advice, and make available opportunities for small and minority businesses.

Florida Atlantic University shall develop and implement a Small and Minority Business Utilization Plan designed to promote, enhance, and increase the participation of small and minority business enterprises in the University's Purchasing Program.

This Small and Minority Business Utilization Plan is submitted annually to the President of Florida Atlantic University for review and approval of the plan established for the Fiscal Year. The results of minority business participation in the University's procurement activities are submitted by the Purchasing Department to the Department of Management Services, Office of Supplier Diversity quarterly or as otherwise directed for reporting to The Legislature.

15.2 OBJECTIVE

Florida Atlantic University continues its strong commitment to assist and encourage the growth of small and minority businesses by removing unnecessary burdens in University procurement and to promote an atmosphere conducive to the development of these enterprises towards a beneficial business relationship with the University and other political entities.

15.3 CERTIFICATION

Certifications of small and minority business enterprises granted by federal, state and local entities, and business organizations are eligible for acceptance in the University's small and minority business program. Minority Business Enterprise certifications issued by the State of Florida will be accepted by the University.