



Office of Procurement Services Manual

FAMU

FLORIDA
AGRICULTURAL AND
MECHANICAL
UNIVERSITY

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1.0 Overview

As a State-supported University, Florida A & M University (University) adheres to the applicable laws of the State of Florida, including but not limited to the Standard of Conduct, as set forth in Chapter 112, Part 3, Florida Statutes (F.S.), Florida A & M University Board of Trustees Policy (Board) and University Regulations Chapter 6, –Purchasing Program, Chapter 7- Leased Program and Chapter 8-Motor Pool in carrying out its procurement activities.

Office of Procurement Services is an important administrative function of the University involving the acquisition of supplies, materials, equipment, maintenance services, contractual services, lease of space, construction, and the development of supplier lists. The Office of Procurement Services is responsible for assisting in the preparation of budget estimates; preparing bids, requests for proposals, invitations to negotiate or other procurements; executing informal quotations; conducting public bid openings; evaluating and awarding bids, and administering contracts until final completion or termination. With the exception of confidential testing materials, brochures, magazines and library books, all commodities contracted for by the Office of Procurement Services are received by Central Receiving unless specifically approved for delivery to another campus location. In turn, the Central Receiving Department makes daily deliveries to the ordering units.

The Office of Procurement Services is a service Department organized to support student activities, instructional and research efforts of the faculty and staff, as well as administrative programs. Consequently, the Director of Procurement Services is responsible for administering the University's procurement program.

This Manual establishes uniform procedures relating to the purchase of commodities, contractual services and construction needed in the operation of the University. These procedures also reflect statutory requirements of the State of Florida and standard practices of Florida A & M University's Board of Trustees, as applicable.

Purchasing requirements apply to all purchases of commodities and services whether funded by state appropriation, grants, private donations or auxiliaries, except as specifically exempted by law or University Regulation(s).

Except as otherwise delegated in University Regulation Chapter 6-Procurement Program and these procedures, the Office of Procurement Services is the only University department authorized to commit funds for the acquisition of commodities and contractual services. This function is accomplished by the Office of Procurement Services through the issuance of purchase orders, contracts or other approved procurement authorizations. **A purchase made by employees without first securing a purchase order or a contract is a violation of University policy and may be subject to disciplinary action, including garnishment of wages and possible dismissal.**

2.0 Definitions

- After-The-Fact Justification – The document required to support a purchases not made in accordance with the procedures as required by the University’s Purchasing Regulations. This requirement must be completed before a purchase requisition can be processed for payment
- Amount Only PO -It is a purchase order (PO) for an unspecified quantity of a product or service over a time period.
- Business -Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity which has commodities and/or services available under specifications required by the University.
- Change Order - A change order is required to decrease or increase purchase order quantities; substitute comparable/acceptable items for those on the original purchase order; make any substantial changes on a purchase order that will result in a cost differential; terminate the purchase order, when items are no longer available; adjust the purchase order prices to conform with the supplier’s invoice if warranted or justified in writing.
- Commodity -Any of the various supplies, materials, goods, merchandise, food, equipment, information technology 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.
- Competitive Bid/Proposal -The response submitted to an Invitation to Bid (ITB), Request for Proposal (RFP) or an Invitation to Negotiate (ITN) by responsive and qualified bidders or offerors.
- Competitive Negotiation -The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.
- Competitive Solicitation -An Invitation to Bid (ITB), Request for Quotation, Request for Proposal (RFP) or Invitation to Negotiate (ITN) to competitively select a contractor or supplier.
- Construction -Construction means the building, altering, improving, repair, or demolishing of any real property owned or leased by the University.
- Contract or Purchase Order- Any agreement or purchase order for the purchase or disposal of commodities or services. Approved purchase orders and contracts provide the

procurement authorization to make purchases on behalf of the University. All purchases require an approved procurement authorization, generally a purchase order or contract.

- Contractor/Supplier - A person or firm who contracts to sell commodities or contractual services to the University.
- Contractual Service -The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. Contractual service does not include labor or materials for the construction, renovation, repair or demolition of facilities.
- 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.
- Department - A budget entity, which has been assigned a departmental ID, and fund by the University.
- 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 re-handling the original.
- 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.
- Extension -An increase in the time allowed for the performance of the contract.
- F.O.B. -The term literally means "free on board". It is defined as the time and place of the actual transfer of title to the goods from seller to buyer. F.O.B. Destination means legal title passes to the buyer at the time the shipment of goods is delivered by the carrier. F.O.B. Shipping Point means legal title and risk of loss passes to the buyer at the time of shipment of goods is delivered to the carrier.
- Tie Bids -Two or more bids which are equivalent in all respects as to price, quality, service, and terms and conditions.
- Information Technology Resources -all equipment, hardware, software, firmware, programs, systems, networks, infrastructure, supplies, media and related material, services, personnel and facility resources used to automatically, electronically, and

wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

- Independent Contractor -A person or firm who provides a commodity or 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.
- Invitation to Bid (ITB) -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.
- Invitation to Negotiate (ITN) -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.
- Minority Business Enterprise -A business concern as defined in Section 288.703(2), F.S.
- President -The chief executive officer of the University, responsible for its operation and administration.
- Public Entity Crime -A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.
- P-Card (Purchasing Card/Procurement Card) -A P-Card is a method of purchasing official university-related, low-cost, non-capital commodities and services. ~~such as office supplies, utility and telecommunication expenses.~~
- 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.
- Prompt Payment Requirements – According to the University’s Prompt Payment Compliance Policy, supplier must be paid within 40 days after the receipt of an invoice and the receipt, inspection and approval of the goods or services. The policy allows Accounts Payable processors ~~40~~ 20 days to audit and process invoices that are accurate and ready for payment. Invoices with discrepancies are given an additional 5 days in which to be researched and corrected. The Warrant Distribution section then has ~~40~~ 3 days to audit and mail out warrants to the suppliers. The Florida legislature considers the

prompt payment of suppliers a serious issue and attaches a penalty for non-compliance with this statute.

- 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.
- Purchasing Activity -A University function delegated to the Office of Procurement by the University President, to develop descriptions/specifications, selection and solicitation of sources, and prepare award of contracts for commodities and services.
- Purchase Description -The words used in a solicitation to describe the supplies, services or construction to be purchased. Includes any specifications attached to or made a part of the solicitation.
- Procurement 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 Procurement Office acting within the limits of their authority.
- Purchases for Resale -The purchase of commodities or contractual services acquired for the purpose of re-selling them to third parties in the course of University business.
- 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.
- Request for Quotation (RFQ) -An oral or written request for pricing from a vendor for commodities or contractual services which does not require competitive solicitation. Written evidence of oral quotations shall be maintained.
- Request for Proposal (RFP) -A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening. The request for proposal is generally used when the scope of work is not clearly defined.
- Responsive and Qualified Bidder or Offeror -A contractor/supplier who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.
- Single Source Purchase -A purchase of commodities or services that are non competitive, i.e. product or services being purchased must perform a function for which no other product or source of services exists.
- Specifications -Specifications mean any description of the physical or functional characteristics or of the nature of a commodity, service or construction item for delivery. Specifications may include a description of any requirement for inspecting, testing or preparing a commodity, service or construction item for delivery.

- Term Contract -A contract for the purchase of commodities or contractual services over a prescribed period of time.
- Valid Response -A responsive offer in compliance with bid specifications and conditions.
- 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.
- Supplier/Contractor -A person or firm who contracts to sell commodities or contractual services to the University.
- Receipt, Inspection and Approval – Certification by the Office of Procurement Services (or the Central Receiving) that the goods and services were received in acceptable condition, in the quantity ordered.
- Standard of Conduct – Ethical standards governing the University’s procurement practices as outlined in University Regulation 6.002.

3.0 Standard of Conduct: Code of Ethics, Conflict of Interest, Gratuities

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, and all members of a involved in the purchasing activity are bound by the standard of conduct for public officers and employees set forth in Chapter 112, Part 3, Florida Statutes and University Regulation 6.002.

3.1 Employee Conflict of Interest

Except as may be permitted by the policies of Florida A & M University, it shall be a conflict of interest and breach of ethical standards, subject to disciplinary action, for any employee of the University to participate directly or indirectly in the purchasing process when the employee knows that:

- the employee or any member of the employee’s immediate family has a financial interest pertaining to the procurement;
- a business or organization in which the employee or any member of the employee’s family, spouse, children, parents, brothers and/or sisters has a financial interest pertaining to the procurement; or
- any other person, business or organization with whom the employee or any member of the employee’s immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement, or

All employees having a financial interest in a private concern shall file a statement annually with the University disclosing such interest.

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.

3.2 Gratuities

It shall be a conflict of interest and breach of ethical standards, subject to disciplinary action, for any employee of the University to accept, solicit, or agree to accept a kickback, offer of employment or gratuity of any kind, form or type for personal gain or in connection with any contract for commodities or services. Current or potential contractors are prohibited from offering an employee of the University a kickback, offer of employment or gratuity of any kind, form or type for the employee's personal gain to influence the development of a contract or potential contract for commodities or services.

4.0 Procurement Authority and Responsibilities

4.1 Procurement Director Responsibilities

The Director of Procurement Services is delegated authority to serve as the chief procurement officer for the University and shall exercise the powers, duties and functions pertaining to the procurement of commodities and contractual services as set forth in these procedures and in accordance with the applicable provisions of Florida Statutes, University Regulations Chapters 6, 7 and 8 and Board Policies.

- To negotiate and enter into purchase orders and contracts for the procurement of commodities and contractual services pursuant to the applicable provisions of Florida Statutes, and University Regulation Chapters 6, 7, and 8 and are for the implementation of approved programs of the University.
- The Procurement Director may delegate to the Office of Procurement Services staff such portions of those powers, duties and functions deemed appropriate, except the authority to execute contracts.

4.2 Office of Procurement Services Responsibilities

As guided by the Director of Procurement Services, the responsibilities of the Office of Procurement Services shall be to:

- Procure the goods, services and equipment, to include issuing purchase orders from approved purchase requisitions, updating and maintaining the supplier files, and reviewing the permissibility of purchase requests.
- Canvass sources of supply and contracting for the purchase or lease of all commodities

and contractual services for the University, in any manner, including purchase by installment or lease-purchase contracts. Installment or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.

- Remove any contractor from the University's competitive vendor list that fails to fulfill any of its duties specified in a contract with the University or governmental entity, that fails to respond to two (2) or more invitations, that attempts to unlawfully influence an award or other pertinent factor, bankruptcy and that is charged or convicted before a court of competent jurisdiction with committing fraud, misdemeanor or felony in connection with the business' commercial enterprise and to reinstate any such contractor when satisfied that further instances of default will not occur. A "No Bid" submission or similar response is considered a response under this section.
- Plan and coordinate purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.
- Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities or services that are frequently purchased and are available from a single source.
- Evaluate contracts for commodities or services entered into by other governmental or educational entities (including the Federal Government, other state governments, political subdivisions, or any public or private university or educational cooperative or educational consortium) as a result of competitive solicitation. Approve the University's use of such contracts (in lieu of issuing a competitive solicitation) for the procurement of the same commodities and services, when it is determined to be cost effective and in the best interest of the University to do so.
- Elect as an alternative to any provision in s. 120.57 (3) (c), F.S., to proceed with a solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be canceled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise.
- Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or multiple state university-wide basis and the contracts may be for multiple years.
- Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.
- Right to Waive Minor Irregularities for Commodities/Contractual Services. The University shall reserve the right to waive minor irregularities in an otherwise valid response.
- In consultation with the University Controller, authorize the payment of deposits or advance payments for a commodity or contractual service when the University Controller and Director of Procurement Services determine that it is in the best interest of the University.
- Develop administrative procurement policies and procedures in furtherance of Board of

Trustees Regulation 6.

- Procurement shall prepare issue, revise, maintain and monitor the use of specifications for supplies, services and construction required by the University.
- Approve and execute contracts for goods, equipment and services to be rendered to the University as otherwise provided herein, provided such contracts are: for the implementation of approved programs of the University, in conformance with policies of the Board and compliant with applicable laws and regulations.

4.3 Fiscal Representatives

Fiscal Representatives are departmental representatives trained and granted credentials to process purchase requisition requests in the iRattler application. Fiscal representatives are responsible to:

- Initiate the acquisition in the system (purchase requisition);
- Validate the chartfields, check available budget and ensure the purchase is allowable;
- Promptly enter verification of the receipt, inspection and approval of purchased goods and/or services into the iRattler application in accordance with Prompt Payment requirements.

4.4 Deans/Directors

Deans/Directors are responsible to:

- review and approve all departmental purchase requisitions, including verification that budget is available and the purchase is allowable;
- help ensure that fiscal representatives are receipting goods and services in the iRattler application in accordance with Prompt Payment requirements.

4.5 Procurement Authority Other Than Purchasing

- Purchases of commodities and services for the following areas need not be procured through the Office of Procurement Services:
 - purchases by the Facilities Planning and Construction Department related major projects, but not limited to planning and construction, acquisition of professional architecture, engineering, landscape architecture or land surveying services; and
 - books and periodical purchased by University Libraries. Such purchases shall be processed by the appropriate University Department in accordance with applicable law and the University Regulations and policies of the Board. All agreements for the purchase of periodicals shall be reviewed by the Office of the General Counsel and approved by the President or designee.

- The Vice President for Research may approve all purchases for commodities and contractual services in accordance with exemption requirements in University Regulation 6.007 and the Division's policies and procedures which include the completion of certificates of exemption.
 - Upon approval by the Vice President for Research, the Office of Procurement Services issue contracts or purchase orders to consummate the transactions.
 - For additional information, refer to the Sponsored Research Exemption section of these procedures and University Regulation 6.007.

5.0 General Procedures

5.1 Departmental Fiscal Representatives

- Initiate the purchase requisition in the iRattler application when the department determines a need for a commodity or service.
- Obtain the required approval signatures (electronic/online) for the requisition from appropriate Dean/Director, including Sponsored Research approval for purchases made from grants.
- Perform a budget check of the requisition in the iRattler application to pre-encumber funds and submit the requisition to the Office of Procurement Services for processing.
- Correct any purchase requisitions that do not pass the Office of Procurement Services budget check.
 - Adjust the dollar amounts available and/or accounting information;
 - Obtain required approval signatures for the adjustments; and
 - Resubmit the requisition to the Office of Procurement Services for processing via iRattler.
- Receive goods and services in the iRattler application within 5 days of the actual receipt, inspection and approval of the goods and services.
- Initiate purchase order change orders in the iRattler application when necessary.
 - Changes exceeding the PO amount require a new requisition and approved to execute the change order indicating the Purchase Order ID and must be approved by the Director of Procurement Services.
 - ~~Change order requests require the same authorizing signatures as the original requisition and must include a thorough explanation for the change, including a memorandum of explanation, if necessary.~~
 - Change orders are not valid until the vendor receives final written approval from the Office of Procurement Services in the form of a purchase order change or contract amendment.

- Department representatives are not authorized to carry out changes to the purchase order without prior approval from the appropriate approver and the Director of Procurement Services.
- Maintain adequate records about the purchase to provide explanatory information to Procurement, Accounts Payable, and Research staff in the event of a question.
- Attend required iRattler Credentialing as scheduled. Failure to attend can remove credentials and password for iRattler.

5.2 Office of Procurement Services

5.2.1 Purchase Planning Assistance

- Office of Procurement Services staff provides planning assistance when a department desires general assistance in the acquisition of commodities, contractual services, obtaining quotations or when a department's needs are complicated or extensive, or when a major project is planned.
- Office of Procurement Services staff provides assistance with the development of competitive solicitation documents based on the needs of the departments and in accordance with University Regulation 6.
 - The requesting department will prepare specifications, make recommendations for special instructions and conditions, provide current contractor information (if applicable), provide the estimated dollar amount of the procurement, proposed evaluation criteria, and submit to the Office of Procurement Services for bid creation purposes. The Procurement staff will
 1. Determine needs and scope assessment to clearly identify the customer's need(s)
 2. Determine procurement options – seek other contracting opportunities (e.g. state term contract, other university contract or consortium contracts)
 3. Determine market conditions relevant to the commodities or services sought and shall reevaluate the needs and performance requirements accordingly (e.g., fuel prices, resources shortage).
 4. Determine the appropriate procurement method, (e.g., ITB, RFP or ITN)
 5. Prepare solicitation document, complete the Competitive Solicitation Approval Form and seek approval to release the solicitation to the general public from ~~Assistant Director~~ and Director of Procurement. (Appendix 1)

- Office of Procurement Services staff is involved when the space leasing, equipment leases and off-campus conference rooms or lodging for employees or conference participants are under consideration.
 - Purchases such as these require a thorough review by the Office of Procurement Services and may require the execution of bilateral agreements, for which the Office of Procurement Services has the authority pursuant to University Regulation 6.005 and other appropriate University Regulations.

5.2.2 Handling and Opening Solicitation Responses

- General Opening Requirements
 - Responses from suppliers to competitive solicitations are due at the time specified in the solicitation
 - Responses to competitive solicitations will be opened in accordance with the requirement specified in the solicitation document.
- Modification to solicitation document or calendar of events (bid schedule)
 - All solicitation modifications must be by addendum with notification to all interested *suppliers* by posting on the University website
 - Any modification to the solicitation calendar of events (e.g., change in posting of intent to award, or etc.) must be by addendum and communicated to responding *suppliers* via telephonic or email with proper documentation noted in solicitation file.
- Security Procedures
 - Solicitation responses shall be time-stamped when received and immediately delivered to the Procurement Agent. Responses are not to be left unattended or unsecured. Rather, they shall be placed in a locked cabinet or the bid room. All solicitations received in hard-copy form shall remain in a locked cabinet or bid room until the time of the bid opening. The only persons authorized to enter the locked cabinet or bid room are the Procurement Officer, or other Procurement staff, unless accompanied by a Procurement Agent or the Director of Procurement Services.
 - Prior to the opening, the Procurement Agent shall recheck the bid room or locked cabinet, and verify with the reception desk, to ensure the office accounts for all solicitations received in response to the solicitation.
 - Solicitations Responses received in response to solicitations are to be filed daily. Responses should be organized together in the bid room or locked cabinet.

- The bid room or locked cabinet shall be used to secure responses to competitive bids, and shall remain locked unless a Procurement staff member is present, or during bid openings.
- If a response cannot be delivered to the Procurement staff member to place in the bid room or designated locked cabinet, the employee receiving the response will take all necessary steps to secure the response until such time as it can be delivered to Procurement staff.
- Opening Procedures
 - Throughout the public solicitation opening, the Office of Procurement Services staff person shall ensure that a professional atmosphere is maintained.
 - The Office of Procurement Services staff person responsible for the bid opening shall:
 1. Familiarizes themselves with the solicitation requirements
 2. Before the meeting verify what information is to be read at the bid opening (e.g., vendor name, pricing information),
 3. Keep control of the meeting, and ensure attendees do not disturb the proceedings or otherwise interfere with the meeting,
 4. As needed, ask others to stop talking or making noise,
 5. Request cell phones to be silenced,
- The Office of Procurement staff person conducting the bid opening is not required to answer questions concerning the solicitation, unless the corresponding bid opening meeting notice identifies such as an agenda item. The Procurement staff shall act in a professional and courteous manner when addressing *supplier* inquiries. Substantive or material questions should be submitted in writing to the Procurement Agent. If the
- Procurement Agent is uncertain whether a question is substantive or material, request the question be submitted in writing. Review all questions and response with their supervisor or Director.
 - The Procurement staff person conducting the bid opening shall not allow any supplier to have contact with the solicitation responses during or after the public solicitation opening. Access to procurement documents shall be handled in accordance with chapter 119, F.S.
 - A minimum of two Procurement employees must be present at the bid opening to open and tabulate bids, and shall certify the verifying bid opening documents accordingly.

5.2.3 Requisition and Purchase Order Processing

The Procurement staff person (i.e., ~~Purchasing Agent of~~ Procurement Coordinator) verifies the purchase requisition information:

- Verify the chartfields are correct;
- Verify the categories are correct, including assets and asset categories;
- Verify the correct account codes are used;
- Verify the supplier information; and
- Verify the required approvals are acquired, including Sponsored Research approval for purchases made from grants.

Office of Procurement Services staff person reviews and validates the item or service description, the quantity, the units of measurement, and the price, etc.

Office of Procurement Services staff person determines the best method to procurement—the required goods and services. If necessary, prepare the competitive solicitation documents if over bid threshold or seek contract pricing. Inform the requesting department that a competitive solicitation is required.

Office of Procurement Services staff person performs a budget check of the requisition.

- Office of Procurement Services staff person informs the department fiscal representative of any purchase requisitions that do not pass budget check.

Office of Procurement Services staff person creates and dispatches the purchase order in the system.

Procurement Director Designee dispatched purchase order via email, or print ~~or fax~~ for mailing to the suppliers.

~~Vendors providing an appropriate email address will receive purchase orders through this process.~~

5.2.4 Purchase Order Monitoring

Office of Procurement Services supervisory staff monitors open purchase orders on a **weekly** basis.

- Purchase orders that are open but not dispatched are:
 - Reviewed, saved as approved, and dispatched in the system; or
 - Purged from the system.

5.2.5 General Ledger Reconciliations

On a monthly basis the Procurement staff person in consultation with their supervisor performs the following tasks:

- Review all purchase orders open for more than 60 days;
- Close purchase orders fully matched and paid.

5.3 Spend/Market Analysis

On a quarterly basis the Procurement staff shall conduct an analysis on commodities and services to determine or identify contracting and saving opportunities.

- Prepare a report of expenditures by supplier, commodity or service to identify potential contracting and cost saving opportunities. ~~A summary of this report shall be included in your weekly report to your supervisor.~~
- Prepare a market analysis to determine or gauge whether an existing contract or new contract is worthwhile.
 - Contact or survey users on the use of contract (i.e., contract spend amount)
 - For a new contract, what is the potential use for the contract
 - Who is providing the service or commodity (i.e., supplier)
 - Is the service or commodity available from other sources (i.e., State Contract, University Contract or other Consortium, etc.)
 - Is there clear competition (i.e., identify suppliers)
 - Determine the estimated cost for service or commodity

5.4 Records

Appropriate records retention guidelines will be followed for the retention and disposition of documents.

- Generally, documentation should be maintained according to approved records schedules unless a sponsoring agency requires it to be maintained for a longer time period.
- See also Board Record Retention Policy 2005-10A.000

6.0 Guidelines for Making a Purchase

6.1 General Considerations

The purchasing process commences when a department determines a need for a commodity or contractual service. User departments are urged to contact the Office of Procurement Services prior to preparing a Requisition to secure information about specifications, sources of supply, terms and prices.

Issuing a purchase order requires approximately three (3) working days from the time a valid and fully completed purchase requisition is received by Procurement Services with exception of those to be competitively procured. To be considered valid and fully completed, the purchase requisition must include all required levels of approval and any required supporting documentation; must have a valid budget status.

During peak times, such as June, and July of each year, the turnaround time for issuing a purchase order may be extended depending on other fiscal activities underway at the same time (year-end closing, budget allocation for the new fiscal year, etc.) Departments must observe published deadlines for submitting fiscal year-end requests and should maintain awareness of recurring year-end activities and plan ahead for their purchase needs during peak times.

The formal solicitation process (Invitation to Bid) for commodities and services may take approximately four weeks from the time the solicitation is advertised to the issuance of a purchase order/contract. Requests for Proposals or Invitations to Negotiate may take approximately six weeks from the time of the advertisement to issuance of a purchase order/contract. In exceptional circumstances this timeframe may be reduced with written justification from the requesting department and approval by the Procurement Director.

6.2 Use of Certified Minority Businesses

The University encourages and promotes the use of minority businesses in all areas of procurement including construction, architectural and engineering services and will use good faith efforts to ensure that minority businesses are aware of procurement and contract opportunities. Strong consideration must be given to the placement of orders with State Certified Minority Business. Departments can accomplish this objective by recommending minority certified suppliers on the purchase requisition. A list of certified minority businesses is available from the Department of Management Services, Office of Supplier Diversity.

The Office of Procurement Services ~~Office of Procurement Services~~ contracts with certified minority businesses for amounts less than \$75,000 via purchase order or contract.

6.3 Supplier Diversity Program

Objective

The purpose of this Program is to:

- identify and engage State of Florida Certified Minority Enterprises in the community that provide goods and services for purchase by Florida A&M University (University); educate University departments and divisions on the availability of minority vendors; and

- develop a comprehensive database of diverse suppliers and contractors interested in doing business with the University.

Responsibility and Authority

The Associate Vice President of Finance and Administration and the Director of Procurement Services is responsible for overseeing the University’s small business enterprise utilization activities.

The Director of Procurement Services (Director), reports to the Associate Vice President for Finance and Administration, and is responsible for program development, promotion, implementation, compliance monitoring, and reporting. The Director works closely with University departments and academic units, small businesses, including women and minority owned businesses, governmental entities, and community-based organizations toward the diversification of the University’s Vendor base.

Supplier Engagement

Active outreach and ongoing engagement are essential to developing a strong pipeline of diverse suppliers.

FAMU has access to the Office of Supplier Diversity (OSD), a national database a specialized team within the Division of State Purchasing and the Tallahassee Leon County Office of Economic Vitality. These tools can be used to identify and engage diverse suppliers. Other ways to develop a portfolio of diverse suppliers include:

- Attending networking and matchmaker events hosted by certification associations or other
- chambers to meet diverse suppliers
- Include voluntary self-identification questions in RFI surveys
- Develop internal advocacy and diverse supplier referral mechanism
- Create an online registration site and encourage certified diverse businesses to register

Supplier engagement and opportunity identification work hand-in-hand to increase the use of diverse suppliers. The Office of Procurement Services will work to ensure supportive processes are in place for internal supplier diversity champions to identify and advocate inclusion of diverse suppliers.

Key Elements for a Robust Supplier Diversity Process

- Active process to identify and engage diverse suppliers for upcoming opportunities.
- Ongoing identification of opportunities for inclusion of diverse suppliers in direct as well as second tier bid opportunities.
- Educate and train MWBEs.
- Development of inclusive sourcing process
- Program management of the supplier diversity program
- Internal and external communication strategy

Communication

A supplier diversity communication strategy is a valuable tool to build momentum, and should be introduced as early as possible in the process. Internal communication activities may include:

- Supplier diversity business case and leadership commitment (policy roll-out) to management
- Supplier diversity section on company intranet
- Champions in individual departments communicating supplier diversity activities in their internal meetings
- Promoting small and large supplier diversity successes

Externally the communication strategy will focus on brand building, ensuring that supplier and community stakeholders are aware of the University's commitment made to supplier diversity, and how successes impact the University and community alike. This message should be consistent across websites, annual reports, etc.

Ultimately, the communication strategy acknowledges and reinforces executive support and supports building a culture of inclusion across the University.

Management

An effective program manager is an essential component to supplier diversity's success of the University. Effective program management involves the strategic and day-to-day implementation, monitoring and review of the supplier diversity process. The Office of Procurement Service will work with executive leadership to develop relevant performance management objectives that encourage organizational alignment and facilitate a cultural shift to active inclusion.

These supporting processes enable and support effective implementation of the supplier diversity program.

Core Elements

Develop Metrics

Establishing metrics to measure progress against University objectives is essential to the effectiveness and accountability of the supplier diversity initiative.

Examples of measurable key performance indicators (KPIs) include:

- # of diverse suppliers short listed per year
- # of contracts with diverse suppliers
- \$ saved/avoided in award to diverse supplier
- % success/win rate (amount of business awarded vs. amount of business diverse suppliers invited to bid for)
- \$ of diverse spend per year
- % of diverse spend per year (of total addressable spend)

Establishing a baseline of diverse suppliers is a valuable starting point for goal setting. Leveraging spend analyses (internal and external) will assist in identifying targeted goals within the University.

The establishment of the supplier diversity program will initially look for tracking mechanisms within the University’s existing vendor management systems to tag suppliers as certified.

Develop Reporting Tools

The Office of Procurement Services will work closely with contractors to identify areas of opportunity that will enhance the use of Minority-owned businesses in construction related projects.

The Office of Procurement Services will monitor all contracts to assess the level of minority-owned business enterprise participation in accordance with the State of Florida Minority Business Enterprise Statutes.

Ex. Minority-Owned Business Subcontractor Use Report

<u>Company Name</u>	<u>Business Phone & Contact Person</u>	<u>FEIN</u>	<u>Detailed Scope of Product or Services</u>	<u>Anticipated Utilization Date</u>	<u>Percentage of Utilization</u>	<u>\$ Value of Utilization</u>

Florida Minority Business Enterprise Statutes

Furthermore, the Sections 255.102 and 287.057(7), Florida Statutes, encourage state agencies to spend the following percentages of contract moneys with certified MWBEs in the following four industries:

- 21% of moneys expended for construction contracts (4% percent with African Americans, 6% with Hispanic Americans, and 11% with American women);
- 25% of moneys expended for architectural and engineering contracts (9% with Hispanic Americans, 1% with Asian Americans, and 15% for American women);
- 24% of moneys expended for commodities (2% with African Americans, 4% with Hispanic Americans, 1% with Asian Americans and Native Americans, and 17% with American women); and

- 50.5% of moneys expended for contractual services (6% for African Americans, 7% for Hispanic Americans, 1% for Asian Americans, .5% with Native Americans, and 36% for American women).

Definitions

Florida Certified Minority Business Enterprise (CMBE):

A business that has been certified by the State of Florida's Office of Supplier Diversity (OSD), or a Florida Reciprocal Certification Partner as a minority business enterprise. Florida Statute 288.703(1)

Minority & Women Small Business Enterprise (MWSBE):

Minority and Women Owned Small Business Enterprise is a business that has a specific ownership composition of minimally 51%.

Minority Business enterprise (MBE):

A small business concern which is organized to engage in commercial transactions, domiciled in the State of Florida, and is at least 51% owned, managed, and controlled by a minority person(s). Florida Statute 288.703(3)

Minority Person:

A lawful, permanent resident of Florida who is an African American, American Woman, Asian American, Hispanic American, or Native American (origin to an Indian tribe prior to 1835 upon presentation of proper documentation thereof as established by rule of the Department of Management Services. Florida Statute 288.703 (4).

Small Business Enterprise (SB):

An independently owned and operated business concern that employs 200 or fewer permanent full-time employees, and that, together with its affiliates, has a net worth of not more than \$5 million. Florida Statute 288.703(6)

Small Disadvantaged Business (SDB):

A small business concern owned and controlled by socially and economically disadvantaged individuals. 13 C.F.R. §124.105

Helpful Links:

FAMU Vendor Information

<http://www.famu.edu/index.cfm?Purchasing&VendorInformation>

Florida Office of Supplier Diversity

https://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd

Tallahassee/Leon County Minority & Women Small Business Enterprise

<http://oevforbusiness.org/programs/minority-women-smallbusiness-enterprise/>

MBE Classification Guideline Instructions

[http://www.famu.edu/Purchasing/MBEClassCodes_v3\[1\].pdf](http://www.famu.edu/Purchasing/MBEClassCodes_v3[1].pdf)

8(a) Business Development Program

<https://www.sba.gov/federal-contracting/contracting-assistance-programs/8a-business-development-program>

FAMU Small Business Development Center

<http://www.sbdcfamu.org/>

6.4 Purchases from Contractors Convicted of Public Entity Crimes

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 supplier list for a period of 36 months from the date of being added to the convicted supplier list.

6.5 Monetary Levels for Making a Purchase

6.5.1 Purchases up to \$75,000 (Quotes)

Purchases with value up to \$5,000 shall be carried out using good purchasing practices. Purchases with a value of \$5,000.01 up to \$10,000 shall be carried out using good purchasing practices which shall include but not be limited to two (2) or more written quotations or written records of valid verbal quotations. Purchases with a value of \$10,000.01 up to \$75,000 shall be made by securing at least three (3) written quotations. If verbal quotations are received, the company name and company contact person, date and address of company and amount quoted shall be a part of the written documentation. If the required number of quotations is not received, a written statement as to why they were not received must accompany the request. All quotations must be filed with the Office of Procurement Services prior to execution of Purchase Order. All purchases with a value exceeding \$75,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized herein.

6.5.2 Purchases Exceeding \$75,000-Competitive Solicitation (Bids/Proposals)

Purchases of commodities, services, printing, construction and deferred payment contracts in an amount exceeding \$75,000 for an item, group of items or services shall be made by formal competitive solicitation (invitations to bid, requests for quotations, requests for proposals or invitations to negotiate). Departments without specific delegated authority may not issue bids without going through the Procurement Department. A formal two-party contract may be required for contract services. Some purchases are exempted from competition and are processed in accordance with the Exceptional Purchases section of these Procedures.

6.5.2.1 Competitive Solicitations

1. **Invitation to Bid Process**-an Invitation to Bid (ITB) is used for all purchases when award can be made based upon price and other specifically defined criteria.

Request for Proposal or Invitation to Negotiate Process-Requests for Proposals (RFP) and/or Invitations to Negotiate (ITN) are used when specifications cannot be written in a sufficiently specific manner to award based on price, and where other criteria such as experience, service, manner of performance, etc., are to be considered along with price.

Request for Quotation – An oral or written request for pricing from a supplier for commodities or contractual services which does not require competitive solicitation. Written evidence of oral quotations shall be maintained

2. **Specifications-**The Office of Procurement Services shall prepare, issue, revise, maintain and monitor the use of specifications for commodities, services and construction below \$1,000,000 required by the University, except for the acquisition of professional architectural, engineering, landscape architectural or land surveying services, and insurance. The Office of Procurement Services shall obtain expert advice and assistance from personnel of the requisitioning departments in the development of specifications, and may delegate to a requisitioning department the authority to prepare and utilize its own specifications. Under extenuating circumstances the Office of Procurement Services may hire outside consultants in developing specifications.

The University may, at reasonable times, inspect the part of the plant or place of business of a contractor or any subcontractor, which is related to the performance of any contract awarded or to be awarded by the University.

3. **Advertising-**All formal competitive solicitations (invitations to bid, requests for proposals or invitations to negotiate) in the amount exceeding \$75,000 must be advertised posted on the University's Office of Procurement Services Website and on Florida Department of Management Service Vendor Bid System, in accordance with University Regulation 6.005. The Office of Procurement Services may advertise any formal invitation to bid, request for proposal or invitation to negotiate 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.
Adequate public notice of the solicitation shall be given sufficiently in advance of the opening to permit potential bidders/offerors to prepare and submit the bids/responses in a timely manner. Notice should be provided to a representative number of parties on any applicable bidder/offeror list.
4. The Office of Procurement Services shall secure as many competitive bids as possible to assure full and free competition consistent with the item to be purchased, and obtain the most advantageous contract price.
5. No purchase is to be divided or subdivided in order to circumvent the formal competitive bid requirements.
6. All formal solicitations (bids, requests for proposals or invitations to negotiate) issued by the University Office of Procurement Services shall include the standard University Acknowledgement Form that may be in effect at the time of the issuance of the

solicitation.

7. **Solicitation Opening-** Solicitations shall be opened publicly at the time and place designated in the solicitation. The amount of each solicitation (if applicable) and the name of each supplier shall be recorded. If a bidder or offeror fails to seal his solicitation response, the solicitation response is disqualified. The failure of a bidder or offeror to supply information or literature in connection with a competitive solicitation may be grounds for a determination of non-responsiveness with respect to such solicitation. A supplier's response to an invitation is based on all documents received in their response at the solicitation opening.

In the case of extension errors, unit prices will prevail.

Suppliers or any party outside of the University will not be permitted to examine the documents after opening until the notice of final award is announced or 30 days after opening, whichever is earliest. If the University rejects all responses or cancels a solicitation and provides notice of its intent to reissue, such responses are exempt from disclosure in accordance with Section 119.071.F.S.

8. **Withdrawal of Solicitations and Cancellation of Awards-** Suppliers wishing to retrieve their response to a solicitation prior to the bid opening (i.e., they have submitted a response to a competitive solicitation, bids received in response to the solicitation have not yet been opened, the submitting supplier no longer wants to participate in the solicitation and would like their response returned) may do so by submitting a written request to the Procurement Officer. The written request must contain:

The name of the organization,

The name, title and contact information of the person making the request,

The solicitation name and number,

The date of the request, and

A statement that the person making the request is authorized by the organization to withdraw the response, and that the organization no longer wants to participate in the competitive solicitation.

The Procurement Officer will verify requestor's information before returning the response documents.

A solicitation may be withdrawn prior to final award or purchase order being issued with written consent of the President or designee when the interest of the University will not be adversely affected by the withdrawal. Any alterations or corrections appearing on responses must be initialed by the supplier's representative prior to opening.

1. **Solicitation Evaluation-**The Procurement Director or designee, in consultation with the evaluation committee, if applicable, shall determine the responsive and qualified bidder or proposal based upon the applicable evaluation criteria. No criteria may be used in the solicitation evaluations that are not set forth in the solicitation.
2. **Receipt of Only One Response-**When only one response is received in a solicitation, it is the responsibility of the Office of Procurement Services to evaluate the response and investigate the reasons, if any, for the receipt of only one response. If it is

determined that a second call for quotes/bids/proposals would not be in the best interest of the University, the justification and circumstances are documented and the Procurement Director proceeds with the purchase. If the one response received is over budget, the Procurement Director or designee may negotiate with the single bidder and attempt to agree on a price that is within budget. The requestor shall be advised of this circumstance prior to posting.

If it is determined that a second call for quotes/bids/proposals would be in the best interest of the University, the Procurement Director issues additional solicitations. A single response to a formal bid/proposal exceeding \$75,000 is to be documented on a single response affidavit.

9. **Cancellation/Rejections of Competitive Solicitation**-The University reserves the right to cancel or reject any and all bids or proposals in whole or part, when it is in the best interest of the University. Such reservation and cancellation shall be made part of the file.
10. **Posting of Tabulations/Award**-Tabulations with recommended awards will be posted for review by interested parties on the Office of Procurement Services website designated by the University and will remain posted for a period of seventy two (72) hours excluding Saturdays Sundays and University holidays. Failure to file a protest and submit bond within the time prescribed in Section 120.57, F.S., shall constitute a waiver of proceedings under Chapter 120, F.S. If no protest is received, the notice of award shall be sent with reasonable promptness, in writing, to the qualified and responsive supplier/contractor who meets the requirements and criteria set forth in the solicitation.
11. **Right to Protest**-Suppliers/contractors who disagree with University procurement decisions or intended decisions, the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods for ranking bids, proposals, or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract may challenge such determinations in accordance with Section 120.57(3), F.S and University Regulations 6.005(9)(k) and 6.005(13)(2)(c).
 - The notice of intent to protest and the formal notice of protest along with a protest bond (see University Regulation 6.005(13)(c)-Competitive Solicitation Bonds) are submitted to the Procurement Department, in writing, specifying each ground relied upon, within 72 hours of receiving the bid, by the protesting supplier or contractor. The seventy-two hour (72) period for filing a notice of intent to protest does not include Saturdays, Sundays, or state holidays. A formal written protest must be filed within 10 calendar days after the filing date of the notice of intent to protest if the matter is not resolved. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under Chapter 120, F.S.
 - The Director of Procurement Services or designee is responsible for handling the protests when they are received by the University. Each protest is date-stamped and referred in writing on the same day the protest is received by the Office of Procurement Services to the Office of the General Counsel for handling and further coordination.

- Upon receipt of a notice of protest which has been timely filed, the University shall stop the competitive solicitation process or the contract award process until the subject of the protest is resolved by final University action, unless the University President provides written particulars of the facts and circumstances which require the continuance of the bid solicitation process or the contract award process without delay to avoid an immediate and serious danger to the public health, safety or welfare.

12. **Supplier Mailing List**-The Office of Procurement Services is responsible for developing and maintaining a supplier's commodities/services file of firms that have applied for inclusion on formal bid and proposal solicitations. The Office of Procurement Services will normally use suppliers/contractors recommended by the requisitioning department and expand the list from the file maintained in the Office of Procurement Services along with other appropriate sources.

13. **Reporting of Anti-competitive Practices**-When for any reason collusion or other anti-competitive practices are suspected among any bidders or, proposes, it should be reported to the Director of Procurement Services who shall submit a report to the appropriate local, state or federal enforcement authorities.

14. **Construction Awards** - In the event that all bids for a construction project exceed available funds as certified by the University Controller and the low responsive and responsible supplier has not exceeded such funds by more than five percent (5%), the President or designee may, in situations when University economic considerations preclude reissuance of a solicitation for work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder in order to bring the bid within the amount of available funds.

6.6 Requisition for Purchase

As provided above, a requisition must be created, by the user department's fiscal representative, in the iRattler application to make purchases through the Office of Procurement Services.

The requisition is made available electronically for processing by the Office of Procurement Services after the necessary approvals are obtained. The requisition provides the chart-field information to be charged, item and service descriptions, quantity, delivery instructions, estimated dollar amounts, suggested beginning and ending dates, suggested supplier information and desired delivery date. Except in the case of an approved emergency, the requisition must be received by the Office of Procurement Services before purchasing action can be initiated.

When preparing a requisition, state the noun first followed by descriptive information, including manufacturer and part number, if known.

Departments with the assistance of the Procurement Agents shall obtain quotes from university, state or other governmental contracts, catalogs or suppliers for requisitioning

purposes, as set forth in paragraph 6.4.1. above and University Regulation 6.005.

- When securing suppliers' estimates, the requester should be careful to avoid the impression that he or she is asking for an official bid or placing an order.
- Always secure the name and title of person giving the estimate.

Requisitions using grant funds which do not expire on June 30, should show the expiration date of the grant.

The Office of Procurement Services will determine the method used to obtain the actual purchase price once the purchase requisition is received. See also paragraph 5.2.3 above.

- Requisitions may be combined in situations where prices can be lowered through volume purchasing.

6.7 The Purchase Order

A Purchase Order is issued upon appropriate completion of a requisition and/or execution of a contract. The purchase order is the normal instrument by which goods and services are acquired. The issued Purchase Order represents the University's acceptance of the offer made by suppliers/contractors after applicable purchasing requirements are met. It authorizes the suppliers /contractor to ship and to invoice for the items, terms, and pricing specified on the order. The suppliers /contractor's acceptance of the Purchase Order establishes a mutuality of agreement and thereby creates a binding contract. Therefore, only the Office of Procurement Services is authorized to obligate funds and engage suppliers/contractors through a Purchase Order, except as expressly stated otherwise herein. A suppliers/contractor shall never be allowed to provide commodities or services before a Purchase Order is issued.

Blanket Purchase Orders

- A Blanket Purchase Order (BPO) is a method of filling needs for small quantities of supplies or services by establishing open accounts with qualified suppliers. BPO's 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.
- An (BPO) Purchase Order may not be used when:
 - The aggregate monetary value will exceed \$75,000 for any one type of item or service in any twelve-month period (unless a bid is referenced).
 - Purchases are for capital (property > \$5000) items.
 - Purchases are of a personal nature.
 - The term is for longer than one calendar year (unless a bid is referenced).
 - The term will cross fiscal years utilizing annually appropriated funds.

See paragraphs 5.2.3 and 5.2.4 above for additional information regarding the processing and monitoring of purchase orders.

6.8 Change Order

A change order can be issued to modify quantities, unit price, due date, delivery schedule or location or to cancel the purchase order. Departments must initiate requests for change orders in iRattler application if requesting an increase in quantities, unit price, or cost. Construction change

requests also are processed through iRattler. See also applicable Board Policies. All requests to increase purchase orders must be approved by appropriate approver(s) and the Director of Procurement Services.

6.9 Receiving

Receiving is required to be performed online in the iRattler application by all departments or the Central Receiving Department, as appropriate. This is to properly documenting the receipt for all goods and services.

6.10 Claims for Loss or Damage in Shipment

Damage to shipments must be recorded and processed in accordance with regulations applying to common carriers. Visible damage is to be noted on the freight company's documentation (freight bill, bill of lading, delivery ticket) at the time of delivery. Concealed damage must be officially reported in writing to the freight company and supplier within fifteen calendar days after the company delivers the items to the University. Failure to report damages in this time frame will result in the University's loss of right to file a claim and collect for damages. Notify the Office of Procurement Services in writing with a copy of the company's receipt, the purchase order number, the carrier's name, and the date of receipt.

6.11 After the Fact Justification

When departments acquire goods or services without first securing a purchase order/contract, they must complete an after the fact justification before a payment can be made. The department that made the acquisition must follow the steps below:

1. The department must submit an approved requisition describing the commodities or services received.
2. Submit the applicable "After the Fact Justification" form (commodities/services) and include the requisition number and explain thereon the reason(s) for circumventing procurement procedures.
3. The invoice containing the signature of the person who made the acquisition must be submitted with the ~~two~~ document mentioned above.
4. The Office of Procurement Services will process the documents. ~~and forward them to the Accounts Payable Section.~~ The requisition and purchased order number are used as the key numbers for tracking the status of a payment related to "After the Fact" transactions.

(5) Departments are cautioned not to place orders, enter into contracts or authorize shipments without first securing a purchase order or contract.

NOTE: When a department secures commodities or services in the amount of \$75,000 or more without first securing a purchase order or contract from the office of Procurement Services, the University's Controller requires the executing of a Settlement Agreement as a means for making payment. A Settlement Agreement is not a means for purchasing commodities or services but an administrative procedure to correct non-compliance with procurement and contracting requirements by a University department or employee.

6.12 Receipt of Unsolicited Goods

Chapter 570.545, F.S., states that when unsolicited goods are delivered, the person is not obligated to return the goods to the sender or make payment to the supplier. The law also states that unsolicited goods shall be deemed a gift and recipient may use or dispose of them in any manner without obligation to the sender.

6.13 Right of Refusal

At the discretion of the department items may be refused for any of the following reasons: no purchase order, damage visibly perceived, or unsolicited goods.

6.14 Exceptional Purchases

Exceptional purchases are those purchasing actions that are not subject to the competitive solicitation process contained in University Regulation 6.005. The Procurement Director or designee is responsible for executing these transactions and tracking/logging each one of them for pre-audit and post audit reviews. Prior to the start of each Fiscal year, the Office of Procurement Services will prepare and post an annual Single Source Certification List. This list may be used throughout the succeeding Fiscal Year. The most common procedures for processing exceptional purchases are described below:

6.14.1 Single Source Purchases

A purchase order may be issued for commodities and contractual service without formal competitive solicitations when the Director of Procurement Services certifies, in writing, that there is only one source for the required commodities or services and the amount is \$75,000 or more.

- The requesting department is required to complete the single source justification, which shall be verified by the Director of Procurement Services.
- A written quotation from the supplier/contractor is required describing the commodities or services being acquired.
- In the case of a single response during a solicitation, a written quotation is not required since the response to the solicitation constitutes the offer from the supplier/contractor as long as the response is found to be responsive.
- A Single Bid Response Certification must be executed by the Office of Procurement Services before proceeding with the acquisition.
- Annual Single Source Certification -The Vice President for Finance and Administration may approve in writing annual single source certifications for those commodities and services purchased on a regular or continuing basis, which have been proven to be non-competitive and available from a single source.
- The transactions are coordinated by the Procurement Office.
- The annual certification is prepared before the start of a fiscal year.
- Interested departments may report and justify to the Office of Procurement Services if they are in need of commodities or services which fall in this category of acquisition.

6.14.2 Emergency Purchases

When the delay due to the competitive solicitation process is an immediate danger to the public health or safety or the welfare of the University (emergency), the Office of Procurement Services may proceed with the procurement of commodities or contractual services without a competitive solicitation for commodities and service in excess of \$75,000 in value.

- An emergency purchase shall be made with such competition as it is practical under the circumstances.
- The requesting department must attach to the requisition a complete justification for handling the purchase on an emergency basis, which shall be verified by the Director of Procurement Services. A written statement certifying the conditions and circumstances shall be signed by the President or Vice President under oath and become part of the official contract file.

6.14.3 Sponsored Research Exemption

The sponsored research exemption excuses acquisitions of materials, supplies, equipment and contractual services from the general purchasing requirements of the Florida Statutes and University Regulation 6.007, when such action is necessary for the efficient and expeditious prosecution of a research project.

An exemption may also provide for advance payments to suppliers and contractors when the requirements of the project warrant.

For additional information on the criteria for exempting purchases, see University Regulation 6.007.

The Vice President for the Division of Research ~~Sponsored Research~~ prepares and approves the sponsored research exemption.

The exemption is then forwarded to the Office of Procurement Services along with the price quotation and other related correspondence.

- The Office of Procurement Services reviews the exemption and applicable documentation.
- Upon verification that the purchasing requirements have been met, the Office of Procurement Services submits the form to the University President for approval. After Presidential approval, the Office of Procurement Services issues a purchase order or contract.

6.14.4 Other Governmental or University Contracts

Purchases from competitively solicited Contracts and Negotiated Annual Price Agreements established by the State, other governmental entities, university in the state of Florida, other public or private educational institutions, and educational cooperatives and educational consortiums are not subject to further competitive solicitation.

6.14.5 Construction Direct Purchase Program.

- Commodities to be incorporated into any public work (as that term is defined in 12A-1.094, F.A.C.) 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.

6.14.6 Commodities/Contractual Services Not subject to the Competitive Solicitation:

1. Academic Reviews;
2. Accounting Services;
3. Auditing services;
4. Advertising;
5. Artistic Services;
6. Family placement services;
7. 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, esthetics, 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;
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. Services provided to persons with mental or physical disabilities by not-for profit corporations organized under the provisions of 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
10. Lectures;
11. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
12. Payment of membership dues pursuant to Section 216.345, F.S.;
13. Programs, conferences, workshops or continuing education events that are offered to the general public for which fees have been collected to pay all expenses associated with the program or event or that are required by a grant to be purchased, attended held or organized;
14. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
15. Purchases from the Annual Certification List developed by the University;
16. Purchases for resale;
17. Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans;
18. Implementation/programming/training services available from owner of copyrighted software or its contracted suppliers;
19. Extension of an existing contract;
20. Renewal of an existing contract if the terms of the contract specify renewal option(s);
21. Regulated utilities and government-franchised services, Regulated public communications, long distance telecommunications;
22. Purchases of materials, supplies, equipment, or services for research purposes when the

Vice President for Division of Research or designee certifies in writing that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project, in accordance with Regulation 6.007; and

23. Training and education services

6.15 Guidelines for Certain Types of Purchases

6.15.1 Equipment on a Temporary Trial or Loan Basis

Equipment placed on campus on a temporary trial or loan basis by a supplier must have the prior written approval of the Director of Procurement Services.

Notify the Office of Procurement Services with make, model, location, contact and approximate value.

The University is not responsible for the care and maintenance of the equipment.

The University is not obligated to purchase, lease or rent or pay for the trail or loan.

6.15.2 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:

The product is used directly in instruction or research.

The expenditure is specifically provided for in the terms of a contract, grant or donation. Terms of the award specifically provide for conferences/meetings in performance of project.

- The inclusion of these conferences/meetings must however, comply with regular travel reimbursement procedures for per diem pursuant to General Services (GSA) rates.

Short course or conference fees have been collected for the express purpose of paying for such items.

Student functions, when approved by the Vice President of Student Affairs or designee.

- The selected facility's name and address information, the name of the contact person at the facility and the pricing and service details should be included with the written request.

6.15.3 Acquisition of Printing

The following instructions apply to the purchase of printing:

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.

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, or that obtainable from a bidder located outside of the state.

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 supplier, F.O.B. the address or addresses listed on the bid invitation unless otherwise specified. Agreements with suppliers for Private Publication of Public Information Materials:

- 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:
 - Enter into agreements with private supplier 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 supplier or the supplier agrees to provide additional compensation in return for the right of the supplier to select, sell, and place advertising that publicizes products or services related to and harmonious with the subject matter of the publication.
 - Retain the right, by agreement, to approve all elements of any advertising placed in such public information materials, including the form and content thereof.
 - 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.
 - Information to Be Supplied with Requisition:
- Printing requirements should be planned well in advance to permit purchase in compliance with the procedures described above.
- Adequate information should appear on the requisition 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.
- 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.
- 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.

6.15.4 Acquisition of Duplicating, Copier Equipment

Purchases for printing services in excess of \$75,000 require competitive solicitation. Purchases of \$75,000 or less may be processed following receipt of three valid written quotations.

The requesting department must include the following information on the Requisition: description of printing services, type style, type size, color or ink, size of paper, color of paper, weight of

paper, number of pages, printing on one or both sides, printing on inside cover, stapling, stitching, perforating, scoring, folding, numbering, padding and packaging, number of copies needed, incremental amounts, black and white pictures, color separations, camera ready artwork, materials to be typeset, text on hard copies or computer disk and allowance for over run and under run. The requisition should also include the following information: date final copy will be available, date for receipt of proofs, if required; date final delivery, point of delivery and any other pertinent information. Requesting departments will be responsible for delivering to the selected printer all the materials necessary for accomplishing the printing.

~~The acquisition of copier equipment must be approved by the Coordinator of the University Copy Center.~~

UNIVERSITY PUBLICATIONS POLICY

The printing of publications shall be pursuant to the University policy issued by the ~~Division of University Development (Publications Office)~~ Office of Auxiliary Services.

The Publications Office is responsible for reviewing and approving the printing of publications and for keeping records on acquisitions in excess of \$20,000. Records must include a justification of need, purpose, and source of funding, frequency and number of issues. The publication request form is available from the Publications Office. Departments must complete this form and attach an approved copy to the Purchase Requisition. The Office of Procurement Services will apply the appropriate purchasing procedure to secure the printing.

6.15.5 Information Technology Resources

INFORMATION TECHNOLOGY RESOURCE EQUIPMENT

This section provides general procedures for ~~purchasing~~ procuring information technology resources (computer hardware, software including software licensing) and communication systems. For purchasing information on telephone equipment and services, refer to Section 6.13.6 of this manual. The Chief Information Officer (CIO)/Vice President for Information Technology who transacts business from the Information Technology Services Department is responsible for approving all purchases. The CIO is responsible for determining if other departments should be involved in the reviewing/approval process in order to make comprehensive decisions.

The purchasing process begins when departments prepare a purchase requisition ~~along with the Information Resource Request (IRR) form~~. The requisition is ~~and the IRR form are then~~ sent by the requesting department to the CIO for review and approval. A telephone call by the requesting department to the CIO to discuss preliminary details of the purchase may help identify requirements and avoid problems/delays especially in the area of software licensing. Once the requisition is ~~and IRR forms are~~ reviewed and electronically approved by the CIO, the requisition is available to the Office of Procurement Services for processing into purchase orders.

When departments consider purchasing computers, software and accessories, it is recommended that they contact the Office of Procurement Services to locate sources of supply, software and computer equipment. Generally, computer equipment and accessories are available under state contracts at very competitive prices. This initial step can go a long way in assisting departments in getting their needs met promptly.

6.15.6 Telecommunications Equipment & Services

All purchases of telecommunications equipment and services must be approved by the Coordinator Business Services.

Departments should contact the Telecommunications Administrator to discuss their communications needs and available systems/equipment.

After the initial discussion the requesting department completes a purchase requisition and forwards it to the Telecommunications Administrator for approval.

- The Telecommunications Administrator will complete the review within two (2) business days of receipt.
 - If approved by the Telecommunications Administrator, the requisition may be subject to additional review under other policies and procedures.
 - If disapproved, the requisition will be returned to the requesting department for reconsideration.

Upon approval, the requisition is submitted to the Office of Procurement Services for processing into a purchase order.

Telephone equipment and instruments are generally available under state contract at competitive prices.

- When telephones are not available on state contract, the Telecommunication Administrator, in cooperation with the Procurement Department, may need to recommend other sources and apply the appropriate purchasing procedures for acquiring the equipment or services.

6.15.7 Term Contracts

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.

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.

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

- Estimated requirements cover the effective period of the bid/proposal and are reasonably firm and continuing; and,
- Such bid/proposal will serve the best interest of the University by encouraging effective competition or otherwise promoting economies in University purchasing.

When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the order shall be paid only for supplies or services already received under the contract.

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 should be supplied by the using department.
- Blanket Purchase orders may be used to consummate purchases against these contracts.
- Departments may request the assistance of the Office of Procurement Services in establishing 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.

Any article, except printing, furnished by PRIDE, a private not for profit corporation established pursuant to Florida Statutes 946.515, should be purchased by the University from this corporation, when price and quality are determined to be comparable to articles required by the University.

6.15.8 Maintenance or Service Agreement

Departments should carefully analyze all information and select between the following equipment maintenance alternatives:

- Assumed risk (self-insure) -where no contractual agreements are entered into and the department assumes the risk for repair or replacement of equipment.
- Regular maintenance agreements -where the department contracts for a specific number of preventative maintenance visits and repairs plus parts where needed with various service providers.

When considering these alternatives, consider the past experience of premium cost to maintenance and repair payouts. Also consider the value, age, and condition of the equipment as well as the frequency of use and critically of the equipment to the department.

Requisitions for maintenance or service agreements on office machines or laboratory equipment must include the following information:

- Location (room number) of machine and name of contact person.
- Name brand, model number, serial number, and decal number of equipment.
- Copier maintenance requisitions should also include the monthly base rate fee and the overage cost per copy.

- Beginning and ending dates of maintenance period.
- One copy of proposed maintenance agreement.
 - Please note that the using department is not authorized to sign and approve supplier maintenance agreements.
 - All agreements should be submitted with the requisition for signature and approval by the Procurement Office.

6.15.9 Contractual Services

“Contractual Services” is the rendering by a contractor of its time and effort rather than the furnishing of specific commodities.

The term applies only to those services rendered by individuals and firms who are independent contractors.

Contractual service does not include labor or materials for the construction, renovation, repair or demolition of facilities.

The contractor must be an independent contractor who is not in any employee/employer relationship with the University.

This definition also applies to individuals who are not performing the duties of an authorized position.

- OPS temporary employment through the University Human Resources Department is not considered a contractual service.
-

All procurement of contractual services in excess of \$75,000 must be evidenced by a written agreement embodying all provision and conditions of the procurement of such services.

At the discretion of the Director of Procurement Services, a contractual agreement may be required for supply items, such as: term contracts; 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 payments or definitive project phases.

Agreement may be necessary in procurements less than \$75,000 when: an agreement is required by an authority, such as grant subcontracts; where an agreement is necessary to protect the best interest of the University; complex service contracts to establish the payment method, payment schedule, performance standards or as otherwise required by the contractor.

6.15.9.1 Contracts

Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President or designee prior to or within thirty (30) days of the goods or services being rendered by the contractor in cases of certified emergencies. ~~Contracts not finalized prior to the work must have written justification stating the reason the service began prior~~

~~to an executed contract and require approval by the President or designee within the first 30 days of the contract.~~

Any contract not meeting the above paragraph must complete an After the Fact Form.

Any contract for the purchase of services or tangible personal property for a period of excess of one fiscal year shall include the following statement: "The State of Florida's and University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature".

Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract.

A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations and satisfactory performance by the contractor. Renewals shall not exceed three years after the initial contract.

The President shall have the authority to enter into deferred payment agreements utilizing the State of Florida Consolidated Equipment Financing Program (CEFP). When a commodity contract requires deferred payments and the payment of interest under that program, the contract will be submitted to the State of Florida Chief Financial Officer's Office for the purpose of pre-audit review and approval prior to acceptance by the University. No agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.

In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a supplier consistent with section 672.719, F.S.

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

Contracts shall also contain the following provisions, as appropriate:

- Invoices must be submitted in detail sufficient for audit review;
- Invoices for any travel resulting from the contractual agreement must be submitted in accordance with rates not to exceed the amounts prescribed in Section 112.061, F.S.;
- The contract shall be subject to unilateral cancellation by the University for refusal by the supplier to allow public access to all documents associated with the contract which are subject to the provisions of Chapter 119, F.S.;
- Units of deliverables must be specified in the contract and should include reports, findings, drafts, etc., that are to be received prior to payment;
- The date for substantial (if applicable) and final completion of the contract;
- The agreement may include price revisions if provided for in the original bid or request

- for proposal; A statement concerning Public Entity Crimes;
- A statement concerning Lobbying;
- A statement prohibiting contingency fees; and
- A termination clause.

6.15.10 *CONTRACT AMENDMENTS, RENEWALS AND EXTENSIONS*

Changes to written agreements including modifications, renewals, extensions, cancellations and terminations, will be made via amendment.

- Contract amendments may be made at any time a contract is in need to updating or being changed
- The General Counsel will review amendments before execution by the contractor and the University.
- When a contract amendment is required, the user department shall submit a written request to the Office of Procurement Services, identify the modification(s) to be made and provide suggested language to be included in the amendment.
- The Contract Administrator shall review the amendment to ensure compliance with the terms and conditions of the original contract and is within the scope of the underlying competitive bid, (f applicable).
- Renewal of a contract shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract.
- if the contract result of a solicitation, the price or service to be renewed shall be specified in the solicitation.

6.15.11 *Monetary Levels for Contract Approval*

Only University personnel with specifically delegated written authority from the University Board of Trustees or University President are authorized to execute agreement and financially commit the University within the limits of their delegation.

- The Director of Procurement Services shall approve contracts and contract amendments for goods, equipment, services up to \$25,000.
- The President or President’s designee shall approve contracts and contract amendments for goods, equipment, services and constructions from \$25,000 to \$50,000. All contracts and contract amendments from \$50,000 to \$999,999 shall be approved by the University President, unless otherwise delegated by the University President or the University Board of Trustees. All contracts greater than \$1,000,000 shall be approved by the University Board of Trustees at its next regularly scheduled meeting.
- Construction Projects – The University President may approve professional or design consultants for continuing contracts for minor constructions projects with a budget of \$1,000,000 or less, with funds available and on deposit from the appropriate funding source. The University President may also approve construction contract change order that do not exceed \$250,000.

All contracts and contract amendments for goods, equipment, services and construction which exceed \$1,000,000 shall be approved by the University Board of Trustees. The approval

request is coordinated by the Office of Procurement Services through the University's Office of General Counsel and the President before submission to the University Board of Trustees.

All contracts shall be reviewed and approved by the Office of General Counsel prior to execution by the Procurement Department, except form contracts issued by the General Counsel's Office, which have not been amended.

The authority to execute contracts may be further delegated by the University Board of Trustees or the University President.

6.15.12 Leases

6.15.12.1 Equipment Leases and Rental

Leases, including rentals on a month to month basis, regardless of the period of time, are subject to review and approval by the Procurement Department.

- The Office of Procurement Services coordinates this process including the review by the Office of General Counsel, when applicable.
- A capital lease to purchase equipment is capitalized at the time the equipment is received. The purchase depreciates over its useful life when the lease is a bargain purchase option or the term of the lease whichever is shorter.
- Departments are cautioned not to sign any agreement form or work order forms from suppliers which may be authorization for the suppliers to ship and install equipment.
- The Office of Procurement Services is responsible for executing and signing all applicable documents, including the processing of a purchase order.
- Typically, rentals and leases are the most expensive acquisition methods and they are not usually recommended
- Before a piece of equipment may be acquired through a lease or rental, an assessment of the overall cost impact on the University is required.
- The Office of Procurement Services should be included in this review.

6.15.12.2 Real Property Leases

The leasing process is very formal and requires compliance with important issues such as life safety requirements; Fire Marshall Regulations; security system requirements; and the American with Disabilities Act (ADA). University departments and employees are not authorized to enter into any lease agreement or make commitments to lessors for space without complying with all the applicable requirements as set forth in University Regulation Chapter 7 and securing a lease agreement executed and signed by the University President or designee.

The Procurement Director serves as the lease coordinator for the University. Prior approval from the Provost or the appropriate Vice President is required before the leasing process may begin. Before submission to the Procurement Director, all requests for lease space require prior approval by the Facilities Planning Department.

Procedures for Lease of Office Space less than 5,000 square feet (new):

- The requesting department submits the following to Facilities Planning: (~~blank forms are available in the Purchasing Office~~):
 - Request for Approval to Lease Space – signed by Departmental Dean/Director, Provost or appropriate Vice President;
 - Letter of Staffing listing personnel to be housed, their positions and pay grade; and a computation of allowable space to be leased;
 - Justification for Leasing; and
 - Purchase requisition routed for approval (in the iRattler application).

- Facilities Planning submits the following to the Procurement Office:
 - Approval to Lease Space – signed by Department, Provost or appropriate Vice President and the Director of Facilities Planning;
 - Letter of Staffing;
 - Justification for Leasing;
 - Floor Plan with Dimensions and Total Square Footage to Lease;
 - Americans with Disabilities Act (ADA) Checklist and approval from ADA Officer
 - Conflict of Interest of Lease Property Statement; and
 - Certification of Compliance.

- The Office of Procurement Services does the following:
 - Obtains the completed Coverage Request form – Leased Building from the supplier;
 - Obtains the completed Disclosure Statement from the supplier;
 - Obtains Approval from Environmental Health & Safety (Fire Marshall Requirement);
 - Obtains approval, if necessary, from the University ADA Officer;
 - Completes the Certification of Compliance;
 - Issues the purchase order;
 - Notifies Campus Planning of the lease; and
 - Notifies the University insurance coordinator.

- Purchasing maintains the lease documents in a master file.
- Purchasing will notify departments of pending lease renewals.

Procedures for Lease of Space in Excess of 5,000 Square Feet;

- According to University Regulation Chapter 7, the University may not enter into a lease for 5,000 square feet or more of space in a privately-owned building except upon advertisement for and receipt of competitive solicitations and award to the lowest and best bid meeting specifications.
 - The requesting department submits the following to the Office of Procurement Services (~~blank forms are available in the Purchasing Office~~):
 - Purchase requisition routed for approval (in the iRattler application)
 - Request for Approval to Lease Space

- Letter of Agency Staffing
 - Justification for Leasing
 - Specifications for Bidding
- The Office of Procurement Services reviews the documents and consults with the Director of Facilities Planning to assure that space is not available at the University.
 - The Office of Procurement Services prepares, advertises, and awards the bid.
 - The Office of Procurement Services does the following:
 - Obtains the completed Coverage request form – Leased Building from the supplier;
 - Prepares and sends the lease document to the Office of the General Counsel for review;
 - Obtains the completed Disclosure Statement from supplier;
 - Obtains approval from the Director of Facilities Planning on Fire Marshall requirement;
 - Obtains approval, if necessary, from the University ADA Officer;
 - Obtains the completed the Certification of Compliance from the Director of Facilities Planning;
 - Issues the purchase order; and
 - Notifies the University insurance coordinator.
 - The Office of Procurement Services maintains the lease documents in a master file.
 - The Office of Procurement Services will notify departments of pending renewals.

Renewals and Modifications of Existing Leases:

- Requesting department prepares and submits the following to the Procurement Office:
 - Purchase requisition routed for approval (in the iRattler application); and
 -
 - Justification for Modification, if applicable.
- The Office of Procurement Services prepares and executes the renewal or modification agreement.
- The Office of Procurement Services issues a purchase order for the renewal.

6.15.13 Financing Purchases

Financed purchases are less expensive than rental and lease plans. Financing is a prudent and economic method for purchasing equipment over an extended period of time. However, the process for financing purchases is lengthy. This type of transaction involves the payment of principal and interest and is coordinated by the Office of Procurement Services from start to finish.

All deferred payment commodity contracts are subject to the review and approval by the University Controller and Procurement Director and require the prior approval of the appropriate Vice President and the Chief Financial Officer/Vice President of Finance and Administration. ~~Administrative and Fiscal Affairs.~~

The University has two options for purchasing equipment under a finance program:

A purchase can be financed by the Department of Financial Services. In such cases, the State

Comptroller acts as a financing party, although the financial support is provided by a third financial institution.

- This finance program is called Consolidated Equipment Financing Program (CEFP) and is generally available for use by state agencies and subdivisions.

When the CEFP is an option, the Department of Financial Services can authorize the University to seek its own financing program through the bidding process when the interest is \$50,000 or more.

- Bids are solicited because “interest” is considered a commodity for bidding purposes.

When the interest amount is less than \$50,000, financing can be secured through informal quotations as described in the Monetary Guidelines section of these procedures.

6.15.14 Office Furniture

Any office furniture purchased must be on a State Contract, or be equivalent or less in price to a comparable item on State Contract. A written justification must be submitted with the requisition when a department wants to purchase office furniture not on a State Contract.

The following prices are to be used as a guide for the purchase of Office furniture.

- Office Chair -\$675;
- Sofa -\$1,400;
- Love Seat -\$1,100;
- Wing Back Chair -\$800;
- End Table -\$400;
- Coffee or 48" Conference Table -\$600;
- Other furniture purchases under \$2500;
- The University has the option to purchase from non-contract suppliers provided written justification is provided and approved by the Procurement Director.
- Portable room partitions are walls or dividers that are a substitute for standard walls. They are usually sold by furniture suppliers and can be wired for electrical/computer/telephone. Partitions serve a valuable function when correctly installed in "open concept" interior spaces. Partitions meeting any of the following conditions will be treated as real property, will require adherence to normal administrative approval rules, and must be treated as minor construction and alteration projects (see the Minor Construction and Alteration Projects section of these procedures). This includes partitions that:
 - Impact Fire and Safety Codes in any way including fire sprinkler system/sprinkler locations and fire egress.
 - Are directly wired to the building for electricity (have a power panel) and/or telephone, data and video.
 - Exceed 72 inches in height.
 - Impact the existing lighting or the space to be partitioned.
 - Attach to or about two or more existing walls.
 - Exceed 20 total linear feet.

- Have doors.
- Will affect the room numbering scheme.
- All locks must be compatible with applicable master keying for the facility in which the partition is installed.
- Partitions and ~~partition~~ installations must meet all fire, construction, and life safety codes.

Note: connected components having a total cost \$1,000.00 or more including transportation and installation must be purchased as operating capital outlay.

6.14.15 Trade in of University-Owned Property

No University property may be removed or disposed of without first obtaining the approval of the Property Office.

The value of the trade-in item is generally used as a credit and serves to reduce the cost of the new items being purchased.

- Prior written approval from the Property Office is required before a purchase requisition may be submitted to the Procurement Office.
- 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, and FAMU decal number.
- The trade-in items and its value are listed as a separate line item on the requisition and should appear as a credit/discount.
- Submit the purchase requisition (electronically in the iRattler application) to the Office of Procurement Services for processing.
- The requesting department is responsible for working with the recommended supplier to release the trade-in item(s) from the campus according to the Property Office procedures.
- Removal may be performed by the supplier or facilitated by the department.

6.15.16 Motor Vehicles, Watercraft or Aircraft

Motor vehicles are defined as any automobile, watercraft, aircraft, truck, other vehicle designed for the transportation of person and construction vehicles or farm equipment. Pursuant to University Regulation 8.003 all motor vehicles shall be procured through the University's Office of Procurement Services in accordance with University Regulations and Policies. Motor Vehicles may be acquired by purchase, lease, installment-purchase, loan, or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University. Motor vehicles shall not be acquired without the express written consent of the President or President's Designee. The Associate Vice-President for Construction shall serve as the President's designee. If grant funds are being used to purchase motor vehicle, the approval of the Vice President for Research must be obtained.

The requesting department must provide the following information for review and approval of the motor vehicle purchase by the Associate Vice President for Construction:

- The account number from which the purchase will be paid;

- The purposed use for the vehicle;
 - Estimated annual mileage;
 - Number of employees authorized to use the vehicle;
 - Geographical area in which the vehicle will be used; and
 - Extenuating circumstances supporting a specific size vehicle.
- Upon receipt of written approval from the Associate Vice President for Construction, the requesting department shall coordinate with the Office of Procurement Services to initiate the acquisition process.
 - Upon receipt of all required documents, the Office of Procurement Services shall complete the acquisition following established purchasing procedures.
 - Plant Operations and Maintenance (POM) must be notified upon issuance of the purchase order for the vehicle and will be responsible for processing the vehicle into the University's fleet.

6.15.17 Hazardous Materials and Equipment

All hazardous materials and equipment are controlled by Environmental Health and Safety (EH&S) and must be approved by them prior to purchase. These include:

Hazardous Material and Equipment

Air purifying respirators	Kitchen exhaust systems
Bench top fume collection cabinets	Lasers
Biological safety cabinets	Liquid scintillation counter
Boilers & pressure vessels	Microwave ovens for labs
Bulk storage tanks	Ozone generators
Cleaning of kitchen exhaust systems	
Compressed gas cabinets	Personal monitoring or detection
Explosives and fireworks	equipment (confined space meters, gas
Eyewash Station and safety showers	meters, survey meters and dosimeters, etc.)
Fall protection devices (harnesses & Lanyards)	Repair of equipment that is require to be sent off campus(certification of cleaning and decontaminated will be required)
Fire suppression systems Fume	
Fume hoods	Portable air cleaning devices
Gas chromatographs	Radioactive materials

Kitchen cooking appliances

Refrigerators & freezers

Self-contained breathing apparatus

Dioxins and Tri-, Tetra-and

X-ray machines

Pentachlorophenol

All renovation and construction

The using department must comply with all University guidelines and directives regarding the safety, storage and disposal of hazardous materials ("Hazmat").

6.15.17.1 Acquisition of Toxic Substances

Chapter 442, F.S., requires that all orders for toxic substances contain a statement for the supplier to furnish the material safety data sheet (MSDS) with each shipment of toxic materials. The Office of Procurement Services must include a similar statement in the University purchase orders and secure MSDS sheets.

The Office of Procurement Services must forward the MSDS sheets to the University Environmental Health and Safety Department for distribution to the appropriate departments

The University Safety Officer will be responsible for maintaining the MSDS sheets and conducting training on the use and handling of toxic materials as prescribed by Chapter 442, F.S.

For additional information on receiving and handling toxic substances and materials, refer to the *University Receiving Manual*.

6.15.18 Moving Expenses

Moving expenses may be approved in accordance with Florida Statutes 1001.74 and Human Resources Internal Operating Procedure 2004. The "Request for Approval to Pay Moving Expenses" must be submitted in advance by the Division's Vice-President for final approval to the President/Designee, the Human Resource Administrator. Upon approval, moving expenses must be included as an item within the "Offer Letter" to the candidate. Payment for moving expenses shall ordinarily be limited to University Vice-Presidents, Assistant Vice-Presidents, Deans, and Associate Vice-Presidents, or except as authorized by the President/Designee in the best interest of the State of Florida due to the exceptional or unique requirements of the positions, and such payments are further subject to the availability of funds.

Authorized expenses may include the cost of packing and shipping household goods, or a mobile home, or storage of household goods, not to exceed a maximum of 15,000 pounds.

- Household goods are the personal effects and property of a current or prospective employee. Mobile home is any available vehicle that is used as a primary resident by a current or prospective employee.
- Charges for unpacking and extra insurance are not allowed and must be paid separately

- by the party being moved at the time of delivery.
- The University will not authorize payment for unpacking of household goods for any employee, and valuation charges of household goods that exceed the amount provided in the contract.
- Department head is to complete the “Request for Approval to Pay Moving Expenses” form for this process. The form is available online: <http://www.famu.edu/index.cfm?a=hr&p=Forms>

For additional information regarding the payment of moving expenses please refer to Human Resource Operating Procedure 2004.

7.0 Unauthorized Purchases

The following types of purchases are not authorized at any time:

7.1.1 Purchases for Individuals

The Office of Procurement Services is not authorized to make purchases for any individual except in the capacity of performing their duties as an employee of the University, or for a non-University organization.

7.1.2 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 state purchasing law and University purchasing rules. The splitting of orders is a prohibited activity, and therefore, unlawful.

7.1.3 Purchases of a Personal Nature

The expenditures from University funds for the items listed below are prohibited unless a clear business purpose exists:

- Alcohol;
- Congratulatory telegrams;
- Flowers and/or telegraphic condolences;
- Entertainment for visiting dignitaries;
- Food items -refreshments, such as coffee and doughnuts;
- Decorative items, such as globes, statues, potted plants, desk lamps, picture frames, and wall hangings;
- Christmas or other greeting cards and postage for such cards;
- Personal subscriptions to magazines and trade journals;
- Gifts -for example: desk pen sets;
- Coffee pots and supplies;
- Portable heaters;

Fans, for personal use; and
Refrigerators, stoves or microwave ovens for personal use.

7.1.4 Confirming Purchase Orders

A Confirming Order is a purchase that is made by a person who lacks the proper authorization to commit funds. A confirming purchase usually becomes evident, after the fact, on a Purchase Requisition with a request that the Office of Procurement Services issue a Confirming Purchase Order, by an invoice from the supplier or by a request for issuance of a check.

- Use of Confirming Requisitions and Purchase Orders to authorize retroactively unofficial commitments made to suppliers by University personnel are a violation of University Regulations and policies.
- Confirming Requisitions are not permitted under University's written policies and

procedures, absent an emergency situation meeting the legal definition of any emergency. Detailed justification describing the emergency situation must be submitted with the Confirming Requisition. The Office of Procurement Services will review all Confirming Requisitions on a case-by-case basis, and will have the option to disapprove any request that was not determined to be an emergency, or when a purchase order could have been obtained. Disapproval will result in the cost of the purchase order being borne by the individual who contracted with the vendor without a purchase order number.

8.0 Helpful Information for Processing Requisitions

When processing requisitions, departmental fiscal representatives should ensure that the following items receive proper attention:

8.1.1 Scholarships, Stipends, Fees and Financial Aid:

Requests for the payment of scholarships, stipends, fees and financial aid must be processed according to the University procedures.

These types of requisitions are not processed through the Office of Procurement Services. Contact the University Controller's Office for assistance.

8.1.2 Dual Employment Compensation Form:

If services are requested from a University or state employee, the employee must complete the "Dual Employment Compensation Form" and receive appropriate approval for the dual employment. Contracts for these employees are not a purchasing function and must be processed by the Department of Human Resources.

8.1.3 Delivery Instructions:

If bulky items or items which require special handling, storage, cooling, heavy lifting, special

equipment, etc., are being purchased, special handling instructions should be included in the header comments on the purchase requisition.

8.1.4 Installation Instructions:

Special installation requirements (electrical, mechanical, masonry, factory or dealer installation, etc.) should be indicated on the purchase requisition. These instructions can be included in the purchase order to facilitate delivery and installation.

Any installation costs not included in the price of the purchased items should be reflected as a separate line item on the purchase requisition.

8.1.5 University Graphic Arts:

The Graphic Arts Department must be contacted for services and prices. University departments are required to use the Graphic Arts Department for purchasing letterhead stationery and envelopes.

- Requisitions for letterhead and envelopes to supplier outside the University will be rejected and returned to the originating department.

8.1.6 Renovation and Alterations to Building/Facilities:

When departments are in need of renovations, alterations or improvement to their building or facilities, the need must be first communicated to the Facilities Planning and Construction Office (FPCO), which is responsible for coordinating related activities, securing the services needed and administering the projects regardless of the funding source that pays for the purchase.

When the FPCO determines that the services needed should be more appropriately handled by the Plant Operations and Maintenance (POM) Department, FPCO will make the referral to POM. Coordination with FPCO and/or POM applies when departments consider making changes to their building or facility including, but not limited to:

- Cabling, electrical, phone lines, computer lines;
- Conduits for the above items;
- Electric boxes, changes, expansions;
- Plumbing, sinks, showers, cooling systems, drainage;;
- New light or relocation/repair of existing fixtures;
- Carpet repairs or replacement;
- Painting of walls, doors, etc.;
- Installation of doors, windows, etc.;
- Installation of wooden cabinets, fixtures, etc.;
- Drilling holes between floors and walls;
- New walls, doors; relocations;
- Air conditioning systems, chillers, ducts, grills, Freon;
- Office partitions, new or relocations;
- Pouring cement, sidewalks, ramps, steps;

- Health and safety items, fire extinguishers, filters;
- Fire Marshall's requirements; and/or
- Architect/Engineering services.

9.0 Purchasing Card (P-Card)

- The University sponsors a Purchasing Card Program to enable authorized employees to make business-related purchases of goods, supplies and standard (not professional) services paid for directly by the University.
- The Purchasing Card provides employees with a cost-effective and convenient method of purchasing, thereby reducing the volume of individual payments processed by the University to suppliers; streamlining the purchase process; reducing the payment processing time and expense; and providing an alternative to personal reimbursement. Thus, the program provides the University with a cost effective, convenient and decentralized method for certain University purchases to occur.
- Since the University is liable to the financial institution issuing the Purchasing Card for the charges and remits payments directly to the financial institution, all purchases made through the Purchasing Card Program must comply with University Procurement regulations, policies and procedures set forth in Board Purchasing Card Policy 2006-04, any special requirements of projects supported by sponsored funds, if the purchase relates to sponsored funds and any administrative policies and procedures implemented by the Vice President of Finance and Administration.
- See Board Purchasing Card Policy 2006-04.

10.0 Advance Payments/Prepayment Requests

When suppliers or contractors do not accept purchase orders, a prepayment check from the University may be needed for the commodities or services required by a department. In such cases, the prepayment process begins with the completion of a purchase requisition.

- The purchase requisition must indicate that a prepayment check is required and if the check will be delivered to the requesting department or mailed to the supplier/contractor directly.

Prepayments are predicated on the fact that goods and services have not been delivered to the University and that a prepayment is required before the supplier/contractors can meet departmental needs.

- Consequently, one of the following support documents will be required along with the purchase requisition:
 - Invoice, pro-forma invoice, registration form, renewal notice, subscription notices,

membership notices, price list, meeting agenda, letter or memo where the items/services are described, including price.

The University Controller processes payments pursuant to the University's Prompt Payment Compliance Policy. This means that departments must allow 30 calendar days for processing time from the time a prepayment request is received by the Procurement Office.

~~o After the prepayment request is reviewed and coded by the Purchasing Department, the requisition is forwarded to the Accounts Payable Section normally within one to two business days.~~

Purchase requisitions for prepayment must have prior approval from the Division of Sponsored Research when the purchase is funded by a grant.

Food, refreshments, banquets, drinks, and hotel/motel rooms for overnight lodging are not allowable expenses. Therefore, such purchases cannot be prepaid funded unless such purchases are specifically provided by law, rule, or grant, or by the University Controller.

- For consultation, contact the Office of Procurement Services or the University Controller.

11.0 Prompt Payment

Invoice Submission

All invoices should be mailed to: Florida A&M University, Office of the Controller, Post Office Box 7238, Tallahassee, Florida 32304 or emailed to accountspayabledocs@famu.edu. Official receipt of an invoice occurs on the date that a proper invoice is received in the Controller's Office. A proper invoice is defined as an original supplier invoice listing the purchase order number, charges billed in accordance with the purchase order and remittance address on the face of the invoice.

Departments must refrain from making payment commitments during discussions with suppliers and contractors about anticipated purchases, when such commitments are contrary to the provisions contained in the Florida Statutes.

For example, a department cannot make a commitment to pay a supplier sooner than 30 days, on a bi-weekly basis or in intervals which are more stringent than the University's Prompt Payment Compliance Policy describe below.

When supplier or contractors require payment on terms which are not consistent with the University's Prompt Payment Compliance Policy, departments should seek advice and guidance from the University Controller's Office.

- o The University Controller will review the payment terms proposed by a supplier or contractor and make a determination.

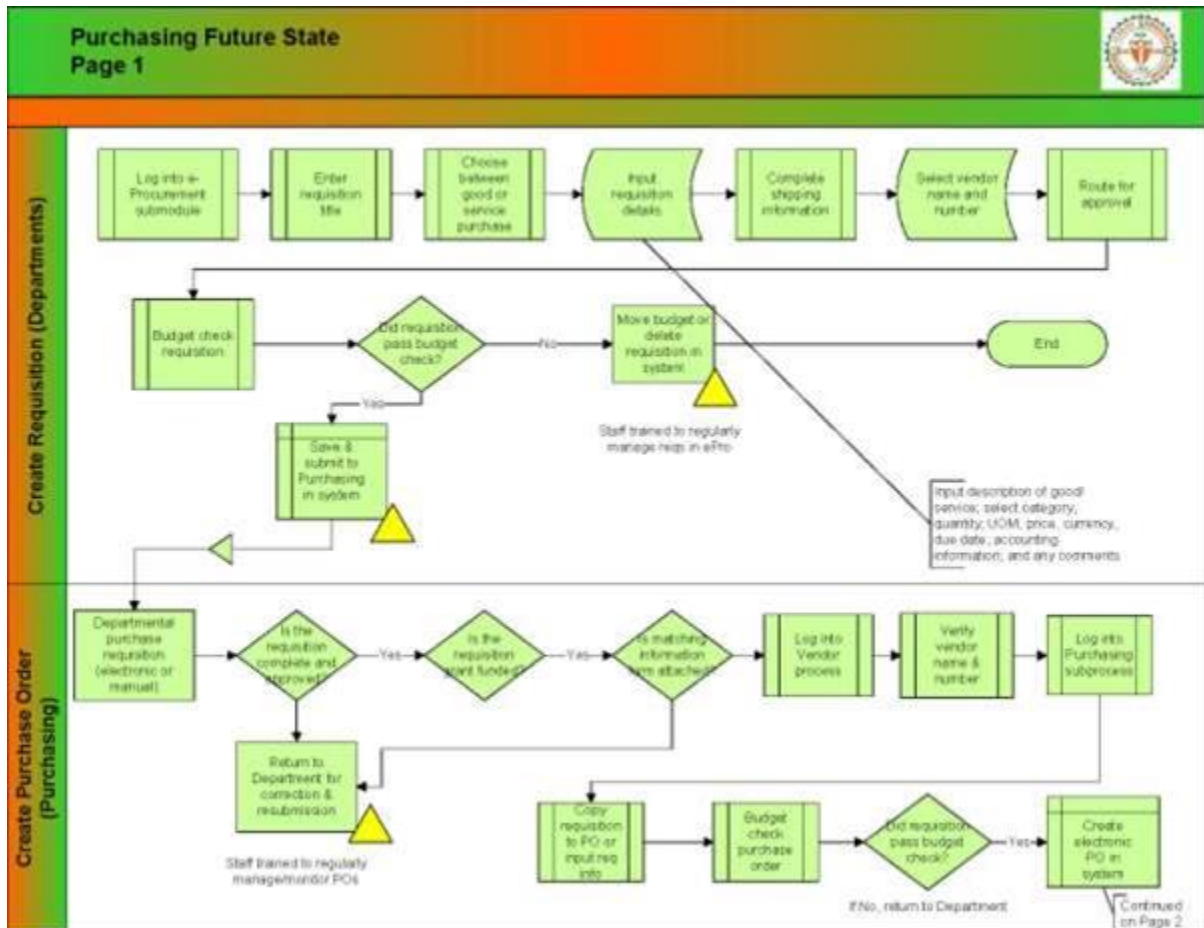
According to the University's Prompt Payment Compliance Policy, suppliers must be paid within 40 days after the receipt of an invoice and the receipt, inspection and approval of the

goods or services.

- The statute allows Accounts Payable processors 5 days to audit and process invoices that are accurate and ready for payment.
- Invoices with discrepancies are given an additional 5 days in which to be researched and corrected.
- The Warrant Distribution section then has 48 hours ~~to~~ 2 days to audit and mail out warrants to the suppliers.

The legislature considers the prompt payment of suppliers a serious issue and attaches a penalty for non-compliance.

Purchasing Future State



APPENDIX A

OFFICE OF PROCUREMENT SERVICES

OPS 100 - COMPETITIVE SOLICITATION APPROVAL FORM

THIS FORM SHALL BE COMPLETED AND APPROVED BEFORE THE IDENTIFIED COMPETITIVE SOLICITATION IS ADVERTISED.

Solicitation Title: _____

Solicitation Type: ITB: RFP: ITN:

Solicitation Number: _____

Department: _____

Estimated Dollar Amount: _____

Term and Renewals: Term: _____ Renewals: _____

RFP/ITN JUSTIFICATION STATEMENT		NO CONFLICT OF INTEREST STATEMENTS COMPLETED		
RFP - a memo from the Purchasing Agent determining and specifying in writing the reasons that procurement by an ITB is not practicable has been completed and is in procurement file.	Yes: <input type="checkbox"/> No: <input type="checkbox"/> N/A: <input type="checkbox"/>	RFP	Evaluation Team:	Yes: <input type="checkbox"/> No: <input type="checkbox"/> N/A: <input type="checkbox"/>
ITN - a memo from the Purchasing Agent determining and specifying in writing the reasons that procurement by an RFP or ITB is not practicable has been completed and is in the procurement file.	Yes: <input type="checkbox"/> No: <input type="checkbox"/> N/A: <input type="checkbox"/>	ITN	Evaluation Team: Negotiation Team:	Yes: <input type="checkbox"/> No: <input type="checkbox"/> N/A: <input type="checkbox"/> Yes: <input type="checkbox"/> No: <input type="checkbox"/> N/A: <input type="checkbox"/>

APPROVALS:

	<u>Signature</u>	<u>Date Approved</u>
Requesting Department:	_____	_____
Assistant Director, OPS:	_____	_____
Director, OPS:	_____	_____
OTHER:	_____	_____
General Counsel (If applicable):	_____	_____