



FIU Foundation, Inc.

Purchasing Policy & Procedures

Procurement Policy Purpose

The purpose of this policy is to set forth the objectives and standards applicable to the procurement of goods and services by the FIU Foundation and the procedures to be utilized by the FIU Foundation.

- This policy shall only apply to the **procurement of goods and services for the direct benefit or use of the FIU Foundation.**
- This policy shall also establish clear lines of authority and accountability.

Policy Objective

The objective of this policy is to secure supplies, goods and services, including professional services, for the FIU Foundation in a cost-effective and responsive manner, consistent with quality requirements and specifications, in order to meet the needs of the FIU Foundation.

To the extent possible, goods and services should be procured competitively to ensure reasonable prices and safeguard against favoritism or fraud. All purchases must:

- (1) be reasonable in light of the circumstances under which the purchase is being made
- (2) be intended to directly benefit the FIU Foundation
- (3) not jeopardize the FIU Foundation's tax-exempt status
- (4) comply with all applicable laws and regulations
- (5) comply with donor's intent (if applicable) for the use of the funds
- (6) be approved by the personnel authorized by the Board of Directors to act on behalf of the FIU Foundation
- (7) to work with the University in a flexible and positive manner to the University's goals and mission.

Conflicts and Ethics

All FIU Foundation personnel directly engaged in purchasing decisions shall adhere to the standard of conduct set forth in the Code of Ethics for Public Officers and Employees, Section 112.313 of the Florida Statutes.

- No University or Foundation employee participating on a procurement selection committee may solicit donations from the responding vendors, unless donations or other such benefits are expressly stated in the procurement documents.

Beneficiary of Procurement

- All procurements undertaken by the FIU Foundation must provide a direct benefit to the Foundation with the exception of lobbying agreements undertaken on the University's behalf pursuant to law.
- Procurements where the direct beneficiary is a component of the University, including the Office of Advancement, shall be managed by the University following all applicable State and University laws, policies and procedures.
- All payments on contracts entered into by the Foundation shall be paid directly by the Foundation.
- All payments on contracts entered into by the University shall be paid by the University.
- In the event that Foundation funds are earmarked to support University procurement, the Foundation shall transfer to the University funds sufficient to cover the cost of payment as a reimbursement of the University's actual costs.

Nature of Purchase and Prohibited Items

- Foundation shall not purchase or procure any goods or services for the benefit of any individual or organization other than the Foundation itself or the University.
- Nor shall the Foundation purchase any goods to meet the personnel convenience or personal preferences of any University employee.
- The Foundation is prohibited from procuring any goods or services prohibited by law or regulation or any item referenced in the Foundation's Prohibited Disbursements Policy.
- No procurement shall be allowed to occur unless it is consistent with the requirements of the Internal Revenue Code and regulations thereunder.
- No procurement or expenditure shall be made in support of any political campaign or on behalf of any candidate for any public office.

Authorities and Reporting Requirements

- Foundation's CEO is authorized to sign contracts for commitments up to \$100,000
- Contracts above \$100,000 will be approved by the Board of Directors
- All leases or purchases of real property shall be reviewed and approved by the Real Estate Sub-Committee regardless of price/cost.
- A list of all contracts valued over \$25,000 and executed since the last meeting of the Finance Committee shall be provided as an information item of the Finance Committee.

Competitive Solicitation

- Procurement via **Invitation to Negotiate, Invitation to Bid or Request for Proposal** will be considered a competitive procurement .
- All responses will be formally evaluated by a committee with at least three members for ITN and RFP.
- The evaluation will be based on pre-determined measures or dimensions of responsiveness to the Foundations invitation or request to prospective vendors.
- The invitation or request shall include: project information, scope of services, delivery or performance schedule, contract terms, reference requirements, and submission requirements.
- If only one response is received to a competitive solicitation, the Foundation may review the solicitation responses to determine if a second call for a competitive solicitation is in the best interest of the Foundation.

Exclusions

Procurement of the following types of goods or services is exempt from competitive procurement: audit and accounting services, health services, and legal services.

Exclusions to the procurement process and appropriate for direct payment are:

- artistic services
- art conservation services
- advertisements
- subscriptions for professional periodicals and newspapers
- dues and membership in trade and professional organizations
- postage
- employee or other travel and training reimbursement

- lectures
- lobbying
- speaking engagements
- registration fees for workshops, seminars, and conferences
- goods or services provided by the University or other direct support organizations of the University
- due diligence costs associated with real estate transactions
- utility services

Thresholds for Quotes and Competitive Solicitation

Thresholds	Requirements
Up to \$25,000	One written quote/proposal
\$25,000 - \$50,000	Two written quotes
\$75,000 - \$125,000	Three written quotes
Over \$125,000	Invitation to Negotiate, Invitation to Bid, Request for Proposal

- Except for the types of goods or services identified in the Exclusions section of the policy, the above thresholds apply for the **solicitation of competitive proposals from vendors**.
- Orders shall not be split to avoid the competitive solicitation threshold.
- Lack of time is not an excuse to avoid adherence to this policy.

Sole Source / Emergency Procurements

- Sole source selections for any procurement above \$25K must be justified via memorandum. Provide proof of uniqueness of offering (i.e. protected intellectual property, special location, etc.)
- Emergency procurement may only be used in cases of imminent threat to life or limb or in cases of imminent significant damage to real property owned by the Foundation or University.

Written Contracts

- Except for goods and services listed as eligible for direct payment in the Exclusion sections of the policy, all successful procurements must result in a written agreement or contract.
- Payments shall not be made to vendors without written, executed agreements or contracts.

Coordinated Review

- **All insurance procurements** shall be reviewed by the University's Office of Risk Management.
- **Information Technology and/or Telecommunications equipment** purchased by the FIU Foundation shall be reviewed by the University IT department
- **Design-related or construction services** shall be coordinated with the University's Facilities Management Department.
- **Legal services** shall be coordinated by FIU's Office of the General Counsel, in consultation with the Foundation's President and CEO.

Legal Review & Compliance

- **All contracts**, including leases that depart from templates approved by the Office of the General Counsel require legal review.
- The FIU Foundation shall make all purchases in compliance with applicable State of Florida and federal law, including without limitation, laws governing the financial relationships among individuals and or entities in a position to refer or receive referrals for items or services covered by State insurance programs or commercial insurers.

Forms to Submit

PROCUREMENT COVERSHEET		
Purchaser:		
Department:		
Email:		
Phone:		
Date:		
Is the Procurement a:	Special Case: <input type="checkbox"/> Sole Source <input type="checkbox"/> Emergency	<u>Attachments Required</u> Sole Source Memo (uniqueness of offering, special location, etc.) Emergency Memo (cases of imminent threat to life or limb/significant damage to real property)
Total Value of Procurement: (including renewals and options)	Total Cost: <input checked="" type="radio"/> \$5,000 - \$25,000 <input type="radio"/> < \$75,000 <input type="radio"/> < \$125,000 <input type="radio"/> \$125,000+	<u>Attachments Required</u> One or Two Quotes Two Quotes Three Quotes RFP, ITB, ITN Documents
Coordinations Required:	Coordinations: <input type="checkbox"/> FIU Legal <input type="checkbox"/> FIU IT <input type="checkbox"/> FIU Insurance <input type="checkbox"/> FIU Other	<u>Attachments Required</u> Communication from FIU Entity
Notes:		
Refer to Procurement Policy: http://foundation.fiu.edu/SiteCollectionDocuments/Foundation%20Purchasing%20Policy%20and%20Procedures%20Board%20Approved.pdf		
Version 2, 4/11/14		