



FLORIDA POLYTECHNIC
UNIVERSITY

**PURCHASING MANUAL FLORIDA
POLYTECHNIC UNIVERSITY
PROCUREMENT DEPARTMENT LAKELAND, FL**

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1. OBJECTIVE & PURPOSE

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

2. AUTHORITY

Florida Statutes 1001.70-92, and Board of Governors Regulations 18.001, 18.002 and 18.003.

3. REGULATIONS

Florida Polytechnic University Regulation 8.001 - Procurement Department

4. POLICIES

Florida Polytechnic University Policy 1.0128P – Contract Review

5. INTRODUCTION

Procurement Department is an important function of the administrative management of the University. The Purchasing function is assigned to the Procurement Department. Procurement Department is a customer service organization which supports the students, the instructional and research efforts of the faculty and staff, as well as all other University service departments including the Office of Information Technology and the direct-support organizations of the campus community.

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

This manual, issued by the Assistant Vice President of Procurement & Auxiliary Enterprises (AVP) by direction of the University President, establishes uniform procedures relating to the purchase of commodities and services.

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

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

6. DEFINITIONS

- A. Artistic Services - Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.
- B. Commodity - Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. Commodity also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications, vehicles and software and license agreements shall be considered commodities.
- C. Competitive Solicitation - An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor/vendor.
- D. Construction Services -- Contractual services, including labor or materials, for the design, construction, renovation, repair or demolition of University facilities.
- E. Contractor/Vendor/Supplier - A person or firm who contracts to sell commodities or contractual services to the University.
- F. Contractual Service - The rendering by a contractor of its time and effort rather than the furnishing of commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. "Contractual service" does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities.
- G. Expense Card (a.k.a. P-Card) The Expense Card is used for official university-related purchases and travel by regular University employees who are in a fiscally responsible position. Please see the supplement entitled "Expense Card User Manual" for related policies and procedures.
- H. Extension - An increase in the time allowed for the performance of the contract.
- I. Independent Contractor - A person or firm who provides a service to the University but does not have any employment or other relationship or connection with the University, except as provided in Section 112.313, F.S.
- J. Invitation to Bid - A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined, for which competitive responses are sought.

- K. Invitation to Negotiate - An invitation extended to prospective contractor/vendors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating
- L. 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.
- M. Purchase - An acquisition of commodities and/or services obtained by purchase order or contract whether by rent, lease, installment purchase or lease purchase, outright purchase, or license.
- N. Purchases for Resale - The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.
- O. Renewal - Contracting with the same contractor/vendor for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.
- P. Request for Proposal - A written solicitation for competitive proposals for commodities or contractual services designating the title, date, and hour of the public opening. The request for proposal is used when the scope of work is not clearly defined.
- Q. 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.
- R. 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.
- S. Identical (Tie) Bids - Two or more bids which are equal in all respects as to price, quality and service.
- T. Quotation - A written or verbal offer for commodities or services not requiring a public opening at a specific date and time.
- U. May - Denotes the permissive.
- V. Shall - Denotes the imperative.
- W. Sole Source Purchase - A purchase of commodities or services that are non-competitive.

7 GENERAL POLICIES AND PROCEDURES

This section contains the general procedures of Procurement Department.

7.1 DEFINITIONS

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

7.2 PROCUREMENT DEPARTMENT RESPONSIBILITY AND AUTHORITY - The University President is the Chief Executive Officer and is responsible for the operation and administration of the University. The President has delegated to the Procurement Department the powers and duties prescribed in FPU Regulation 8.001, Purchasing.

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

- A. Canvass sources of supply and enter into contracts for the purchase of goods or services including installment or lease-purchase contracts.
- B. Evaluate the ability of any vendor to remain on a competitive vendor list, based on the Vendor's responsiveness to competitive solicitations, the Vendor's ability to fulfill the duties specified in contracts, or any disruptive or unprofessional conduct or conduct which is not conducive to the University environment on the part of the Vendor or its Coordinators, and bar vendors from doing business with the University for demonstrated cause as determined by the President, including previous unsatisfactory performance.
- C. Planning and coordinating purchases in volume and negotiating with Vendors.
- D. Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/ services that are frequently purchased and are available from a single source
- E. Evaluate, approve, and utilize contracts let by the Federal Government, the State, other states, political subdivisions or entities, colleges, universities, educational cooperatives or educational consortia for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities and to identify potential savings and, if there is the potential for savings, enter into new consortia and cooperative contracts to achieve the savings.

- F. Elect as an alternative to the provisions of University Regulation 8.001P, to proceed with a bid solicitation or contract award process when it is set forth, in writing by the President, the particular facts and circumstances which require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety or welfare.
- G. Award contracts for commodities and contractual services. This includes the authority to make awards to multiple suppliers, awards in multiple year terms, or award contracts on behalf of multiple institutions or entities.
- H. Reject or cancel any or all competitive solicitations, in whole or in part, when determined to be in the best interest of the University.
- I. Purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University.
- J. Coordinate with the University's Campus Development & Facilities Department the administration of Construction Services, which services shall be administered pursuant to Chapter 14 of the Florida Board of Governors (BOG) Regulations.
- K. To plan and coordinate purchases in volume and to competitively bid, negotiate and execute purchasing agreements and contracts for the recurring needs of the University.
- L. To prescribe the methods of securing bids or negotiating and awarding contracts.
- M. To negotiate on the best terms and conditions in the event no bids are received.
- N. To establish standards, formulate specifications, and determine the source of supply for any commodity or service requisitioned by any department of the University.
- O. To prescribe items and quantities to be purchased locally by departments.
- P. To execute contracts, whether by purchase order or other approved Procurement Department method, for commodities and services required by the University.
- Q. To develop, distribute, and maintain the policies and procedures manual of the Procurement Department in furtherance of FPU Regulation 8.001P.

7.4 PROCUREMENT DEPARTMENT STAFF, DELEGATED AUTHORITY - The Procurement Department AVP has delegated signing authority to key Procurement Department Staff with the following limitations:

Associate Director of Procurement:	Any/All Purchase Orders
	Sole Source justification
	Expense Card authorization
	Competitive Solicitation Documents

Procurement Department Coordinator: Purchase Orders up to the bid threshold.

7.5 CONTRACTING AUTHORITY OTHER THAN PROCUREMENT DEPARTMENT - The President has delegated signature authority to other University positions, not under the supervision of the AVP of Procurement Department, in accordance with University Regulation 1.0128P. – Contract Review.

7.6 CODE OF ETHICS AND STANDARD OF CONDUCT - All University personnel engaged in Procurement Department 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 Procurement Department cycle, including the President, Vice Presidents, Deans, Chairpersons, Directors, budget committee members, initiators of requirements and their supervisors, receiving personnel, finance and accounting personnel, E-Card holders, and all members of a Procurement Department activity are bound by the standard of conduct for public officers and employees set forth in Chapter 112, Part 3, Florida Statutes and Florida Polytechnic University (FPU) Regulation FPU-6.002 Personnel Code of Conduct and Ethics.

7.7 EMPLOYEE CONFLICT OF INTEREST AND GRATUITIES - Conflict of Interest - Except as may be permitted by the regulations of the Florida Polytechnic University, it shall be a breach of ethical standards for any employee of the University to participate directly or indirectly in the Procurement Department process when the employee knows that:

- A. He/she or any member of his/her immediate family, will benefit from a University Procurement Department transaction;
- B. A business or organization in which he/she, or any member of his/her family, (spouse, children, parents, brothers and sisters) has a financial interest and will benefit from a University Procurement Department transaction; or
- C. Any other person, business or organization with whom he/she or any member of his/her immediate family, is negotiating or has an arrangement for employment and will ultimately benefit from a University Procurement Department transaction;
- D. All employees having a financial interest in a private concern shall file a statement annually with the University disclosing such interest;
- E. All individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall be independent of, and have no conflict of interest in the entities evaluated and selected.
- B. It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind for personal gain in connection with any contract for commodities or services. Current or potential contractors are prohibited from offering an employee of the University a gratuity of any kind for the employee's personal gain to influence the development of a contract or potential contract for commodities or services.

- C. All individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall be independent of, and have no conflict of interest in the entities evaluated and selected. The University shall not accept a competitive solicitation from, or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date the person or affiliate was added to the convicted vendor list.
- D. A person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be ineligible to contract with the University or compete for such procurements dealing with the specific subject matter.
- E. University employees and University direct support organization employees participating on a procurement selection committee for commodities or services are prohibited from soliciting donations from responding vendors during the selection process, except for donations or other benefits expressly stated in the procurement document.

7.8 BIDDING

C. Informal

1. When the proposal amount is \$4,999 or less, no additional quote is required to process the order.
 2. When the proposal amount is between \$5,000 and \$24,999, the requesting person or the department needs to directly contact vendors and get two quotes. Although verbal quotes may be accepted (with proper documentation of the calls), written quotes are highly recommended which clearly state the cost for goods or services.
- D. Competitive Quotes - For purchases \$25,000 up to \$74,999 competitive quotations must be obtained in writing from two or more sources when the commodity or service warrants competitive pricing and not otherwise exempted. The Procurement Department AVP, may, at his/her discretion, waive the requirement for written quotations when it is in the best interests of the University. The Procurement Department file shall be documented prior to the processing of a purchase order as to the circumstances when competitive quotes are not obtained.
- E. Formal - Purchases of contractual services, commodities or deferred payment contracts in excess of \$74,999 shall not be made without attempting to secure two or more formal bids, unless otherwise exempted herein.
- F. For the purposes of determining the bidding threshold the total cost of the requirement may include any options, add or deduct alternates, and trade-ins, for the life of the contract including option years.

7.9 TERM OR ANNUAL CONTRACTS - Procurement Department shall secure term

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

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

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

7.12 PURCHASES FOR INDIVIDUALS - Procurement Department is not authorized to make purchases for any individual or non-University organization.

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

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

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

C. Congratulatory telegrams;

D. Flowers and/or telegraphic condolences;

E. Awards and Plaques;

F. Entertainment;

G. Refreshments, such as coffee and doughnuts;

H. Decorative items, such as globes, statues, potted plants, desk lamps, picture frames, and wall hangings;

I. Christmas or other greeting cards and postage for such cards;

J. Personal subscriptions to magazines and trade journals;

- K. Desk pen sets;
- L. Coffee and coffee brewing devices;
- M. Portable heaters;
- N. Fans, for personal use;
- O. Refrigerators for personal use;
- P. Stoves and microwave ovens;
- Q. Smoke filters and smokeless ashtrays;
- R. Various decorative items;
- S. Clothing (except approved uniforms);
- T. Promotional materials;
- U. Personalized printed materials such as envelopes and stationary, except business cards.

7.16 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:

- C. The product is used directly in instruction or research;
- D. The expenditure is specifically provided for in the terms of a contract, grant or donation;
- E. Short course or conference fees have been collected for the express purpose of paying for such items;
- F. Student functions, when approved by the Vice President, Student Affairs;
- G. Direct payment of hotel rooms or long term rental of residences for individuals may require the prior approval of the Controller's Office, or Contracts & Grants when applicable. In order to make this type of payment, there must be a substantial cost savings to the University above the tax liability, must be of benefit to the University's mission, and must be otherwise authorized by law;
- H. As specifically authorized by the grant or budget appropriation.

7.17 MOVING EXPENSES - Moving expenses for Faculty, Staff and other University line employees must be approved in advance by the Vice President for the hiring department's division. Only direct payments via Purchase Order to University contract

moving vendors are authorized; all other expenses that are allowable costs may be reimbursed through the Controller's Office via travel and non-travel related reimbursement procedures. Authorized expenses include packing and shipping household goods to a maximum 15,000 lbs. including mobile homes and automobiles. Charges for unpacking, short and long term storage, and extra insurance are not allowed and must be paid separately by the moving party at the time of delivery. All moving expenses for storage of household goods, and expenses for moving non-line employees and/or visiting professors must be approved in writing by the University President.

- C. Requesting Department Responsibility – Obtaining the approval memo from the Vice President requesting approval to pay moving expenses. Memo should include the person's name, position coming from, the new position title and salary, the date of employment and the maximum dollar amount allowed for the move, Purchase Orders, and Employee Reimbursements. Submit a requisition to the Procurement Department for the move, to include the name, current address, or address where goods will be moving from and the telephone number where the person can be contacted.
- D. Using Department/New Employee's Responsibility - The Using Department and/or the New Employee shall contact the Procurement Department to obtain the names and contact information of the approved contract movers. The new employee will contact the selected moving company(s) to obtain a quote(s). The quote from the selected moving company shall be forwarded to Procurement Department along with requisition and the signed VP approval memo prior to the move so that a purchase order can be issued.
- E. Procurement Department Responsibility - Issue purchase order after receipt of approval and moving company quotation. Make final arrangements with the commercial common carrier with regard to invoice and payment procedures. Assist the department and employee regarding university moving procedures.

7.18 EQUIPMENT ON A TEMPORARY TRIAL OR LOAN BASIS - Equipment placed on campus on a temporary trial or loan basis by a vendor must have the prior approval of the Procurement Department. A zero dollar purchase order may be necessary to add loaned equipment into the University's property record for Risk Management coverage or to memorialize the loan agreement. It is the responsibility of the department to ensure the loaned equipment is returned to the vendor after the trial period is over. Equipment used on a temporary or loan basis is not sufficient justification for a non- competitive purchase of the equipment.

7.19 EXPEDITED PURCHASE ORDERS - Departments are not authorized to place orders directly with vendors for goods or services. The Procurement Department is the only authorized Coordinator for the University. If a department has an immediate need, the Procurement Department may expedite an order with a vendor after an approved requisition has been received and the proper acquisition method has been selected and executed. In the event that the department receives goods or services prior to the approval of the Procurement Department or issuance of a Purchase Order, an

explanation/justification shall be provided with the requisition.

7.20 WEAPONS - Only the University Police Department may purchase firearms and related items for use on the campus. Any department that wants to purchase firearms, replicas, and weapons of any kind for academic or demonstration purposes must acquire written authorization from the University Police Chief and coordinate a storage, safety and accountability plan with the University's Police Department in advance of receipt of the weapons.

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

- C. Absolute useful life of one year or more, and
- D. Owned or having a non-time-limited license for use, and
- E. A value of \$5,000 or more per unit of software.

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

7.22 NOTICE WHEN CONSIDERING OUTSOURCING - The Vice President and Chief Financial Officer (CFO), the AVP of Human Resources and the AVP of Procurement Department shall be notified when the outsourcing of University functions, services or other alternative delivery systems are being considered, which may result in the layoff of employees. Such notice shall be sent to the above prior to a general announcement or issuance of requests for proposals.

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

7.24 SYSTEMWIDE CONTRACTS - The Inter-institutional Committee on Procurement Department (ICOP) has developed policies and guidelines for establishing system wide contracts and cooperative agreements for use by the universities. ICOP will monitor frequent purchases made by the universities and

initiate actions to establish system wide contracts as deemed necessary and appropriate. System wide contracts and cooperative agreements will be a standing agenda item for all ICOP meetings.

7.25 REBATES – It is the individual’s responsibility to ensure that any rebates received from purchases made either by a University E-Card or Purchase Order are credited to the original cost center.

7.26 Approval of Requisitions (Authority) – Approval of all requisition requests and/or change orders must be done by the Cost Center Manager or their supervisor. The person initiating the purchase request cannot serve as nor delegate approval authority. (see E-Card Manual for Expense approval authority).

7.27 International Purchases – All requests for International purchases must be submitted to the Procurement Department in advance of processing. Departments should allow extra leadtime for this type of purchase. Foreign purchases made by Florida Poly are subject to the payment of government-imposed duty and can be complex. Generally, small shipments (valued at less than \$1,200) shipped via parcel post can be imported from foreign countries without the assistance of a Customs Broker. Any/all other shipments will require a Customs Broker that must be obtained only through the Procurement Department.

8 PROCUREMENT DEPARTMENT ORGANIZATION

Organizationally Procurement Department consists of two (2) functional sections:

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

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

C. The Procurement Department maintains an office at Florida Polytechnic University main campus located at 4700 Research Way, Lakeland, Florida, 33805, to provide services for all using departments some of which are located at Polk State College, 3425 Winter Lake Road, Lakeland, Florida 33803, and 1855 West Main Street, Bartow, Florida 33830.

9 GENERAL MONETARY LEVELS AND LIMITS

A. \$5,000 or less: No additional quote required

B. \$5,001-\$25,000: Minimum of two (2) quotes which can be verbal but written preferred.

C. \$25,001-\$75,000: Minimum of two (2) quotes which MUST be in writing.

D. \$75,001 and over: Any and all purchases of commodities, contractual services, deferred payment and revenue generating contracts in excess of \$75,000 unless otherwise exempt, must be formally and competitively bid. A formal two-party

contract may be required for contract and research subcontract services.

- E. Contracts providing for the payment of interest may be bid or financed through the Consolidated Equipment Financing Program (CEFP) administered by the Office of the State Comptroller. The cost of financing shall be considered in determining the cost of the procurement and the competitive requirements.
- F. All deferred payment contracts of 5 years (60 months) or more requires the approval of the Board of Governors (BOG).
- G. For the purposes of determining the bidding threshold the total cost of the requirement may include any options, finance charges, add or deduct alternates, and trade-ins, for the life of the contract including option years.

10 EXEMPTIONS FROM COMPETITIVE SEALED BID REQUIREMENTS

- A. Commodities and contractual services that are not subject to the competitive solicitation process include:
 - 1. Artistic services;
 - 2. Academic reviews;
 - 3. Lectures;
 - 4. Auditing services;
 - 5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services. Written approval from the Attorney General is not required for private attorney services acquired by the University;
 - 6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
 - 7. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;
 - 8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;
 - 9. Family placement services;
 - 10. Training and education services;
 - 11. Advertising;
 - 12. Services or commodities provided by the Federal Government, the State, other states, political subdivisions or entities, colleges, and

universities;

13. Continuing education events or programs that are offered to the general public for which fees have been collected to pay all expenses associated with the event or program;

14. Purchases from firms or individuals that is prescribed by state or federal law or specified by a granting agency;

15. Regulated utilities and government-franchised services;

16. Regulated public communications, except long distance telecommunication services or facilities;

17. Extension of an existing contract;

18. Renewal of an existing contract if the terms of the contract specify renewal option(s);

19. Purchases from the Annual Certification List developed by the University;

20. Purchases for resale;

21. Accountant Services;

22. Contracts or services provided by not-for-profit, direct support, health support and University affiliated organizations and faculty practice plans;

23. Implementation, programming, or training services available from the owner of Copyrighted software or its Coordinator; and Purchases of materials, supplies, equipment, or services for research purposes when the Head of Sponsored Research or designee, certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

11 PURCHASING ACTIONS NOT SUBJECT TO COMPETITION

Purchases in excess of the bid threshold must be made on the basis of competitive solicitations with certain exceptions. Procurement Department actions that are not subject to the competitive solicitation process include:

- A. **Emergency Purchases:** When the President or designee determines, in writing, that the delay due to the competitive solicitation process would cause an immediate danger to the public health, safety or the welfare of person(s), animal(s), the preservation or protection of property, or the continuance of a vital University function, the Procurement Department is permitted to proceed with the procurement of commodities or contractual services without a competitive solicitation. The emergency purchase shall be limited to the purchase of the type of items and quantities needed, or for a time period sufficient to meet the immediate threat, and shall not be used to meet long-term requirements.
- B. **Sole Source Purchases:** The Procurement Department shall certify in writing that a particular commodity or service is available from a single source and shall electronically post the certification for three working days for agreement over the purchasing contract threshold (FPU-1.0128P – Contract Review).

- C. **Cooperative Agreements:** Purchases from contracts and negotiated annual price agreements established by the Federal Government, the State, other states, political subdivisions or entities, colleges, universities, educational cooperatives or educational consortia are not subject to further competitive solicitation.
- D. **Construction Direct Purchase Program (Owner/Contractor Program):** In accordance with BOG Regulation 14.007, Competitive Negotiations, commodities to be incorporated into any public work which are procured by the University in accordance with the requirements of the University's direct purchase program, are not subject to any further competitive solicitation.
- E. **Sponsored Research Exemptions (SRE):** Purchases of materials, supplies, equipment, or services for research purposes when the Head of Sponsored Research or designee, certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project. SRE certifications shall be posted electronically for three working days.

12. THE PURCHASING CYCLE

12.1 REQUISITION PROCESS

C. General

The requisition is the most important task in the Purchasing cycle. It is used to request purchases of all commodities/services through Procurement Department. It provides the cost center to be charged, obtains the approvals for the expenditure and purchase, and provides needed information such as item descriptions, quantity, delivery instructions, and desired delivery date. Complete and correct preparation of the requisition expedites the Purchasing process.

D. FPU Purchase Requisition - General Instructions

1. The purchase of needed equipment, materials, or services from off-campus sources shall be initiated in FPU Workday by:
 - a. Supplier Website Punch-out's from Workday that connect directly to a supplier's website, creates the requisition in Workday, and issues the Purchase Order electronically directly to the vendor.
 - b. Ad Hoc Goods and Services Requisition in Workday for those items not available in a Punch-out. Also used for the creation of Blanket Purchase Orders.
2. The requisitioning task in Workday may also be used for Payment Requests to the Controller's Office when authorized for use, such as stipends and royalties paid to non- FPU employees.
3. For further information regarding FPU Workday Procurement, please visit the FPU Procurement Department website:

12.2 PRICE DETERMINATION

12.2.1 General

12.2.1.1 For requisitioning purposes, departments may obtain quotes, rough cost estimates from catalogs, or use prior orders from vendors. A copy from a catalog or brochure will assist the Procurement Department in obtaining the correct item. When securing vendors' estimates, the requisitioners should be careful to avoid the impression that they are asking for an official bid or placing an order.

12.2.1.2 Upon receipt of a requisition, the Procurement Department will determine the method to be used to obtain the actual purchase price and source the requisition into a Purchase Order. Consideration will be given to utilizing contract or cooperative resources in order to insure minimum costs or to obtain a cost savings.

12.2.2 Bids/Proposals/Quotes

12.2.2.1 Procurement Department shall determine when a bid/proposal/quote is obtained for commodities, services, printing and deferred contracts for any item or group of items, except as provided in Section 5.0. The formal bid/proposal threshold is \$75,000.

12.2.2.2 Procurement Department may advertise any formal bid 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. Bids in excess of \$200,000 shall be advertised on the My Florida Marketplace Vendor Bid System (VBS). All bids over

12.2.2.3 Solicitations over \$75,000 shall be advertised on the Procurement Department web site. All bids are advertised and available to the general public for 30 days unless the AVP of Procurement Department determines that the compelling interests of the University require a reduced or extended bid time, or the use of alternative advertisement methods.

12.2.2.4 The formal bid process (ITB, RFP, and ITN) typically requires 45 – 90 days starting with the customer's draft of the specifications/statement of work until a final award decision is made. This time includes review and approval of draft specifications, statutorily required public notice posting times, 30 days for vendor bid responses, and the proposal evaluation process.

12.2.2.5 The formal bid process for complex commodities and services will take longer

than a standard ITB, RFP or ITN, especially where the award evaluation is comprehensive and negotiations with the Offerors will be conducted.

12.2.2.6The Using Department should contact the Procurement Department as far in advance of any major purchase to allow sufficient time to plan and accommodate the formal bid process.

12.2.2.7When only one quote/bid/proposal is received for the purchase of an item or a group of items in a call for quotes/bids/proposals, the Procurement Department Officer shall review the quote/bid/proposal to determine the reasons, if any, why only one quote/bid/proposal was received. If it is determined that a second call for quotes/bids/proposals would not be in the best interest of the University, the circumstances shall be documented and the Procurement Department Coordinator may proceed with the purchase. If it is determined that a second call for quotes/bids/proposals would be in the best interest of the University, the Procurement Department Coordinator may issue additional quote/bid/proposal solicitations. The Procurement Department Coordinator shall document a single quote/bid/proposal on the requisition for purchases' under the bid threshold; formal bid/proposals over the bid threshold will be documented with a form (to be developed), "Receipt of One Bid Certification".

12.2.2.8In the event that no quotes, bids, proposals, or responses to Invitations to Negotiate are received in response to a competitive solicitation, the University shall negotiate the purchase at the best possible price at the most favorable terms.

12.2.2.9In accordance with Florida Law, no purchase shall be divided or subdivided in order to circumvent the quote/bid/proposal requirements.

12.2.2.10The Procurement Department, at its sole discretion, shall determine whether a response meets or exceeds specifications.

12.2.2.11The University shall reserve the right to reject any and all bids or proposals and such reservation shall be indicated in all advertising.

12.2.2.12The opportunity to bid on a University contract is a privilege, not a right.

12.2.2.13All contracts for the purchase of commodities or contractual services exceeding the bid threshold shall be awarded pursuant to a competitive solicitation, unless otherwise exempted.

12.2.2.14The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

12.2.2.15When multiple responses that are equal in all respects are received to a competitive solicitation, the Procurement Department shall give a preference, in order, to responses that include commodities manufactured in the State, businesses with a drug-free workplace program, or the earlier bid/proposal submission in determining the contract award. If these conditions do not exist, or are the equivalent between two or more responses, a coin toss may be used.

12.2.2.16The intended award shall be electronically posted by the Procurement Department for 72 hours which is interpreted as three working days excluding Saturdays, Sundays, and State and University Holidays.

12.2.2.17The contents of Requests for Proposal, Invitations to Bid and Invitations to Negotiate shall be kept confidential by the University until the University provides notice of an intended decision or as otherwise provided in Section 119.071, F.S.

12.2.2.18In the case of extension errors, the extended price (unit price multiplied by the quantity) will be based on the unit price as stated in the Vendor's Response.

12.2.2.19When awarding a contract to purchase personal property, other than printing, by competitive solicitation, a preference shall be provided to vendors with a principal place of business in Florida as prescribed by BOG Regulation 18.001.

12.3 PURCHASE ORDER

The purchase order initiates a contract by accepting legally the offer made by the vendor.

12.4 CHANGE ORDER

12.4.1A change order can be issued to modify quantities, encumbrances, terms and conditions, or to close or cancel the purchase order. Departments may create a change order. Based on Workday configuration, a purchase order requisition must be closed by the Procurement Department PRIOR to creating a change order. Departments must complete a "Change Order Request Form" and submit to the Procurement Department for approval and receive confirmation from the Procurement Department that the corresponding requisition has been closed. Completed Change Order Request Form must be attached to the change order in Workday.

12.4.2For further information on Change Orders please visit the FPU Procurement Department website.

12.5 RECEIPTS AND 3-WAY MATCHING

12.5.1In Workday, all Purchase Orders must be received electronically by the requisitioner except for website punch-out POs, Construction Projects and Supplier Contracts as determined by the Project Business Process.

12.5.2Receipts are completed in Workday through the Create Receipt task or as a related action to a Purchase Order. All receipts must have a scanned attachment showing proof of delivery.

12.5.3A 3-Way match in Workday is defined as the PO – Receipt – Invoice.

12.5.4 Receipts for Goods Lines on PO are received by QUANTITY. Receipt for Services Lines and Blanket POs are received by DOLLAR AMOUNT of the order/service/delivery placed.

12.5.5 For further information regarding Receipts and Matching in Workday, please visit the CANVAS Workday Job Aids.

13 COMMUNICATION, MEDIA, AND CREATIVE SERVICES MATERIALS

13.1 PRINTING

13.1.1 Definitions

13.1.1.1 Printing - The transfer of an image or images by the use of ink or similar substance from an original image to the final substrate through the process of letterpress, offset lithography, gravure, screen printing, or engraving. Printing shall include the process of and the materials used in binding. Printing shall also include duplicating when used to produce publications.

13.1.1.2 "Duplicating" - The process of reproducing an image or images from an original to a final substrate through the electro photographic, xerographic, laser, or offset process or any combination of these processes, by which an operator can make more than one copy without re-handling the original.

13.1.2 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.

13.1.3 Preference Given Printing Manufactured in Florida - Preference shall be given to bidders located within the state when awarding contracts to have materials printed in accordance with BOG Regulation 18.001.

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

13.1.5 Agreements with Vendors for Private Publication of Public Information Materials:

13.1.5.1 The University may enter into agreements to secure the private publication of public information brochures, pamphlets, audiotapes, videotapes, and related materials for distribution without charge to the public. The University may:

13.1.5.1.1 Enter into agreements with private vendors for the publication or production of such public information materials, by which the costs of publication or production will be borne in whole or in part by the vendor or the vendor agrees to provide additional compensation in return for the right of the vendor to select, sell, and place advertising that publicizes products

or services related to and harmonious with the subject matter of the publication.

13.1.5.1.2 Retain the right, by agreement, to approve all elements of any advertising placed in such public information materials, including the form and content thereof.

13.2 DISCLAIMER

Any public information materials containing advertising of any kind should include a statement providing that the inclusion of advertising in such material does not constitute and endorsement by the University of the products or services advertised.

13.2.1 Information to Be Supplied with Requisition:

13.2.1.1 Printing requirements should be planned well in advance to permit purchase in compliance with the procedures described above.

13.2.1.2 Adequate information should appear in 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.

13.2.1.3 The requisition should also include the following information: date final copy will be available; date for receipt of proof, if required; date final delivery is required; point of delivery; person to be contacted in requisitioning department if additional information is required; and any other pertinent information.

13.2.1.4 If samples of similar printing jobs are available, scans of the documents should be attached to the requisition.

13.3 UNIVERSITY PUBLICATIONS POLICY

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

All printing requirements are subject to the review and approval of the Marketing and Communications Department. All Workday requisitions will route to the Marketing and Communications Department for approval, (after review by the Procurement Department) unless an exemption has been agreed upon writing by the Marketing and Communications Department.

Procurement Department will not contract directly for printing services for any publications,

except upon request of the Marketing and Communications Department. The Procurement Department is responsible for the calling of formal bids and the awarding of contracts.

13.4 BRAND MANAGEMENT

The development of a brand identity for FPU was a collaboration of faculty, staff, students and the community. The resulting set of standards and guidelines dictates how the University should be represented in all communications. The Marketing and Communications Department has been charged with managing the University's brand through the monitoring and oversight of the visual and editorial identity of the University and its entities. This includes, but is not limited to, overall brand and image representation, logo use, editorial style review and design approval. To maximize the effectiveness of the brand is important for everyone associated with University activities to make every effort to understand the brand and to adhere to the standards set forth. Any individual responsible for creating communications materials should be familiar with the visual standards manual and the editorial standards. All materials intended for dissemination to non-academic internal and external audiences need prior approval from the Marketing and Communications Department.

13.5 TRADEMARK LICENSING

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

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

Failure to obtain a license or approval from the Marketing and Communications Department will be grounds for the seizure of all non-approved merchandise bearing the University's marks.

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

14 INFORMATION TECHNOLOGY RESOURCES

14.1 TECHNOLOGY SERVICES DEPARTMENT

Information Technology Resources is comprised of the computer equipment, facilities, software, and all voice and data assets that comprise the University's

network and all the electronic information and communication infrastructure contained therein.

The Technology Services Department (IT) is responsible to functionally integrate university

administrative data systems across the campuses, colleges, departments, and associated organizations. It is important that any software with university-wide applications be reviewed and approved by IT so that existing software operational activities are not compromised.

IT shall coordinate, direct, and approve the design, purchase, implementation, and utilization of additional University administrative data systems resources across the campuses, colleges, and departments.

14.2 COMMUNICATION EQUIPMENT

Communications Technology Resources are subject to the same rules and regulations as Information Resource Technology.

14.3 PROCEDURES

The following guidelines apply for the purchase of Information Technology (IT) and Communications hardware and software:

14.3.1 All purchases of IT, communication equipment, telephone systems, software, network services, and all other computer hardware require approval of the FPU Technology Services Department. All Workday requisitions for monitored spend categories related to IT Hardware and Software will automatically route to IT for approval prior to submission to Procurement Department.

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

14.3.3 Acquisition

14.3.3.1 Requesting Department Responsibilities -- The requesting department submits a requisition for approval:

14.3.3.1.1 Explain the reason for requesting the equipment and its proposed use. This information may be in the requisition, or as an attachment;

14.3.3.1.2 If the equipment is on State or Cooperative Contract, enter the commodity and contract number in the requisition, or as an attachment;

14.3.3.1.3 If the equipment is not on State or Cooperative Contract, a complete detailed specification;

If the cost of the equipment is expected to exceed the bid threshold and is available from a single source, a Sole Source Certification must be submitted with the requisition form in accordance with the procedures in Section 5.0.

14.3.3.2IT reviews and approves requisition.

14.3.3.3For equipment exceeding the bid threshold and not on State or Cooperative Contract, a formal bid solicitation is created for issuance.

14.4 ADDITIONAL PROVISIONS

14.4.1Departments are responsible for adhering to all applicable federal, state, and local laws and regulations and all University regulations and policies, specifically including without limitation those pertaining to the privacy of student records (FERPA), the Health Insurance Portability and Accountability Act (HIPAA), and the Digital Millennium Copyright Act (DMCA).

14.4.2Copyright: Departments are responsible for respecting the copyrights of others and must refrain from unauthorized distribution, downloading and use of copyrighted works.

14.5 LEASES AND INSTALLMENT-SALES ACQUISITIONS OF EQUIPMENT

14.5.1Leases, including month-to-month leases and all other leases of equipment regardless of the period of time, are subject to the review and approval of Procurement Department and approval of the Vice President and CFO.

14.5.2All deferred payment contracts, including CEFP of 5 years (60 months) or more requires the approval of the Board of Governors (BOG).

14.5.3Interest on deferred payment commodity contracts is defined as a commodity and is subject to the bid requirements if the interest exceeds the bid threshold.

14.5.4Requesting Department's Responsibilities - The requesting department shall be responsible for submitting a requisition for the lease or installment purchase of equipment to the Procurement Department with the following information:

14.5.4.1Equipment specifications,

14.5.4.2Lease versus purchase cost benefit analysis,

14.5.4.3A statement from the Dean, or appropriate Vice President guaranteeing that funds will be provided during the entire term of the lease.

14.5.5Procurement Department Responsibilities

14.5.5.1Leases - The lease of equipment is subject to Procurement Department approval and bid procedures contained herein. All leases shall contain a cancellation clause, and an availability of funds clause. Leases may contain renewal options, if appropriate.

14.5.5.2 Installment Sales Agreements - Procurement Department may submit requests for installment sales agreements to be financed under the Consolidated Equipment Financing Program (CEFP) to the Department of Management Services. Upon receipt of approval by the CEFP, the Procurement Department will notify the vendor furnishing the equipment, that financing has been arranged.

15 RETAIL AND SPONSORSHIP OPPORTUNITIES

The Office of Business & Auxiliary Services in concert with the Procurement Department have

been charged to review and recommend potential business opportunities. Such opportunities include retail, activities that are commercial in nature and sponsorship ventures to serve the students, faculty, staff, alumni and visitors of Florida Polytechnic University and to serve as a central entrepreneurial repository of information.

Additionally, it is the responsibility of these two offices to make recommendations to the Vice President and CFO as to the viability and appropriateness of these opportunities before a formal acquisition process begins.

The Department(s) shall be guided by the principle of creating a synergy among the current retail and commercial enterprises at FPU and future opportunities. In doing so, the Department(s) serve to provide a uniform basis for evaluating proposed enterprises.

16 TERM CONTRACTS

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

B. Multi-Term Contracts

1. Specified Period - A contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the University provided the terms of the contract and conditions of renewal or extension, if any, are included in the solicitations and funds are available for the first fiscal period at the time of contracting.
2. 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.
3. Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods - When funds are not appropriated or otherwise made available to support

continuation of performance in a subsequent fiscal period, the order shall be paid only for supplies or services already received under the contract.

- C. University Term Contracts - Departments will be contacted if purchases of a recurring nature indicate that a term contract would be advantageous. Information as to specifications and estimated annual usage shall be supplied by the using department. Blanket Purchase Agreements may be used to consummate purchases against these contracts. Departments may request assistance of the Procurement Department in establishing term contracts.
- D. State of Florida Term Contracts - The University may acquire any commodity which is available on any term contract or price agreement executed by the State Department of Management Services when such purchase is most advantageous to the University, with price, quality, performance and other factors considered. Any such purchases by the University are exempt from competitive bid requirements.
- E. PRIDE - Any service or item manufactured, processed, grown, or produced by Florida's Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE). PRIDE, a private not for profit corporation established pursuant to Florida Statutes 946.515, shall be purchased by the University from this corporation, when price and quality are determined to be comparable to articles required by the University.
- F. Cooperative Purchase Contracts - Procurement Department may evaluate and approve for use contracts let by the Federal Government, the State, other states, political subdivisions or entities, colleges, universities, educational cooperatives or other consortia for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities.

17 SPECIAL PROCEDURES

17.1 BLANKET PURCHASE ORDERS:

17.1.1General - A Blanket Purchase Orders (also known as a "Standing Purchase Order" or "Blanket") is a simplified method of filling urgent needs for small quantities of supplies or services typically needed on an infrequent basis, for indeterminable time periods, or unknown quantities by establishing open accounts with qualified suppliers. Blankets are designed to expedite the acquisition of urgently, and/or frequently, needed supplies or services and to reduce administrative costs in accomplishing small purchases by eliminating the need for issuing individual purchase orders.

17.1.2Limitation on Use - A Blanket Purchase Order may NOT be used when:

17.1.2.1The aggregate monetary value will exceed the bid threshold for any one type of item or service in any twelve-month period (unless a bid is referenced).

17.1.2.2The purchases are for capital (property > \$5,000.00) items and assets; or

- 17.1.2.3**The purchases are of a personal nature; or
 - 17.1.2.4**The term is for longer than one calendar year; or
 - 17.1.2.5**The term will cross fiscal years utilizing annually appropriated funds or for a period longer than the funding authorization (grant, aux, and local funds); or
 - 17.1.2.6**Purchases are for commodities covered by the State of Florida Contracts, University Contracts, Cooperative Contracts or other exempted category.
- 17.1.3**Establishing a Blanket Purchase Order – Blanket Orders for goods and services are created in Workday using an Ad Hoc Request for Goods and Services, utilizing the Services Line and a Requisition Type of “Blanket PO”. For more information please view the CANVAS Workday job aid “WD Job Aide – Blanket”.
- 17.1.4**Blanket Purchase Order Pricing and Other Terms and Conditions - The Procurement Department will assist and/or review prior to blanket purchase order issued.
- 17.1.5**Orders Against Blanket Purchase Orders - Orders against Blankets may be made verbally by an individual authorized to place orders against the agreement. When placing an order, the individual should identify himself/herself and give the applicable purchase order number.
- 17.1.6**Delivery of Goods or Services – Receipts for Goods and Services delivered under a blanket PO must be received in Workday by the requester using the Create Receipt task. Blankets are typically executed on Service Lines and are Received based on the Dollar Amount of the delivery of services or goods.
- 17.1.7**Invoices in conflict with the PO or the Receiver will cause a Match Exception. The Controller’s Office may require the requestor to initiate a change order, or amend the receipt to clear the error so the payment may be made. Invoices may also be returned to the vendor for correction, as required.
- 17.1.8**Funds Increase/Decrease - The encumbrance of a Blanket Purchase Order may be increased or decreased by the using department by submitting a Change Order request (Ad Hoc Requisition) in Workday. (See Section 6.4 above.)
- 17.1.9**Termination of Blanket Order - The agreement may be terminated by the using department by submitting a Workday Change Order to the Procurement Department. The order may be unilaterally terminated by the Procurement Department for misuse or failure to follow the procedures set forth herein. All Blanket Orders expire on the end of each fiscal year.

17.2 BLANKET MAINTENANCE OR SERVICE AGREEMENT

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

17.2.1A statement that the equipment is not under warranty for parts or labor;

17.2.2Location of machine and name of contact person;

17.2.3Name brand, model number, serial number, and decal number of equipment;

17.2.4Beginning and ending dates of maintenance period;

17.2.5List of names authorized to approve invoices; and

17.2.6The proposed maintenance agreement, if available. Please note that the using department is not authorized to sign and approve vendor maintenance agreements. All agreements should be submitted with the requisition for review and approval by the Procurement Department.

17.3 WALK-THRU ORDERS

Manual walk-thru purchase orders are not available. All requisitions must be submitted electronically in Workday and route through all the required approvals before Procurement Department can source the requisition and issue the Purchase Order. There are no bypass provisions for requisition approvals. Users in Procurement, the Department and the Approval chain do not have the ability to approve or bypass a requisition assigned to another person as determined by the Business Process in Workday.

The inability to walk-thru a requisition for a purchase order is not a valid justification for committing an after-the-fact purchase nor is it considered an Emergency unless so declared in writing by the President or their designee.

17.4 CONTRACTUAL AGREEMENTS

17.4.1Contractual services are defined as the rendering of a contractor of its time and effort rather than furnishing specific commodities. This definition applies to individuals who are not performing the duties of an authorized position. OPS employment is not considered a contractual service nor can such actions be processed by the Procurement Department. The written agreement for contractual services shall be signed by all parties prior to the rendering of any service. For the purposes of this section, Construction and Insurance are not considered services.

17.4.2Requirement for Agreements – Unless otherwise exempted, all procurements of contractual services in excess of the bid threshold shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services. A purchase order may be used in lieu of a separate contract agreement provided that the order is signed by both parties and all the necessary terms and conditions are stated.

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

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

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

17.4.2.1 The requirement for an agreement is prescribed by a commanding authority, such as grant subcontracts.

17.4.2.2 Procurements where an agreement is necessary to protect the University's best interests.

17.4.2.3 Complex service contracts to establish the payment method, payment schedule, contract deliverables, or performance standards.

17.4.2.4 Required by the contractor.

17.4.3 Only university personnel specifically delegated the authority, in writing, by the President are authorized to sign agreements and financially commit the University within the limits of their delegation in accordance with University Policy 11.1 - Signature Authority. No department or individual, unless specifically delegated so, may sign any agreement or represent in any manner whatsoever to an individual or business that they possess the authority to bind the University. All agreements must be signed by the person with the delegated authority or his/her delegate. All agreements are subject to legal review and approval by General Counsel prior to signature, except for those specific agreements, conditions, and circumstances assigned to the Procurement Department.

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

17.5 ORGANIZATIONAL MEMBERSHIPS & PROFESSIONAL LICENSES-

17.5.1 In accordance with Florida Statutes 119.01(3), if public funds are expended for the payment of dues or membership contributions for any person, corporation, foundation, trust, association, group, or other organization, all the financial, business, and membership records of that person, corporation, foundation, trust, association, group, or other organization which pertain to the public agency are public records and subject to the provisions of s. 119.07.

17.5.2 Professional Licenses may be paid with state funds only if FPU requires the

particular license for the execution of a university mission function and the individual's job position requires the license.

For example, if FPU hires a position in Accounting where a CPA license is required to perform required duties of the office then the license or renewal fees may be paid by the University.

If the position was hired as CPA preferred, or if it simply wasn't a requirement at all then any professional licensing fees would be the responsibility of the individual.

17.5.3 A "benefit to the state" shall be included on each requisition for memberships and professional licenses. (Refer to Expense Card Manual)

17.6 LEASES FOR REAL PROPERTY – Leases of real property, office space, and storage units require advanced review and approval from the Department of Facilities Planning and Construction in accordance with the policies and procedures they have established.

The following general guidelines apply:

17.6.1 Leases of space less than 5,000 sq. do not require a formal bid regardless of total cost.

17.6.2 Leases for space less than 500 sq. or for a term less than one year are considered rentals and do not require CFO approval.

17.6.3 Leases in FPU's affiliate Florida Institute of Phosphate Research (FIPR) must be certified and approved by the President and the Board of Trustees (BOT), as required, as serving

the best interests of the University and that exemption from the competitive bid process would not be detrimental to the institution.

17.6.4 Leases in FIPR must comply with Florida Board of Governor's (BOG) Regulation 17.001, Leasing Authority.

17.6.5 Florida Polytechnic University utilizes the following procedures when executing leases for real property:

17.6.5.1 Before initiating the search for, or prior to the leasing of space, buildings or any portions thereof, approval must be first obtained by the requesting department from the Office of Vice President and CFO.

17.6.5.2 Lease terms and conditions, other than the University's Standard Lease agreement, shall be reviewed as to form and legality by the University's Office of General Counsel. The University President, the AVP of the Procurement Department, or the CFO shall execute all leases.

17.6.5.3 Nothing in these procedures shall be interpreted as circumventing the provisions of Florida Statutes as it relates to facilities for the handicapped.

- 17.6.5.4**All leased space shall comply with all applicable codes and the fire safety standards of the State Fire Marshal. All renovations or modifications of leased space must be approved for code compliance by Campus Development and Facilities Department prior to occupancy.
- 17.6.5.5**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 bids/proposals. The University may not enter into, within any 12-month period, more than one lease for space of a total of 5,000 square feet or more in the same privately-owned facility or complex except upon the solicitation of competitive bids/proposals.
- 17.6.5.6**Competitive bidding shall not be required for leases of space of 5,000 or more square feet in a privately owned building where such leases:
- 17.6.5.6.1**are renewals of existing leases,
 - 17.6.5.6.2**have a term of less than 21 consecutive days,
 - 17.6.5.6.3**are for nominal or no consideration,
 - 17.6.5.6.4**are for the purpose of providing care and living space for persons,
 - 17.6.5.6.5**are extensions of an existing lease of 5,000 square feet or more, provided that such extensions are in the best interest of the University and are not for a period exceeding 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, the University shall solicit competitive bids,
 - 17.6.5.6.6**are specialized educational facilities (excluding classrooms), or are otherwise exempt from the competitive bid requirements.
- 17.6.5.7**The University shall establish a rate it will pay for leased space based on average rental rates in the local area for facilities of use.
- 17.6.5.8**Disclosure Statements - Private Entities, Public Officials.
- 17.6.5.8.1**A statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the state or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.
 - 17.6.5.8.2**A statement by the owner providing for full disclosure of the names of all public officials, coordinators, or employees holding any interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases,

modifications to approved leases, and notifications of renewal under a lease option.

17.6.5.8.3 It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, which stock is for sale to the general public. A statement certifying the registration shall be provided by the lessor.

17.6.5.8.4 It is not necessary to make disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

17.6.5.8.5 Each subsequent transaction pertaining to a lease for which a disclosure statement has been provided, may be accompanied by a lessor's affidavit that the previous disclosure statement submitted is still valid, if the interest held or individuals concerned has not changed.

17.7 VENDOR

17.7.1 Insurance Requirements

17.7.1.1 All vendors doing business with FPU should be business entities properly licensed, insured and registered as required by law and authorized to do business in the State of Florida. Unless otherwise specified, all vendors must possess the required insurance coverages as specified by the Florida Statutes including Workers Compensation, Automobile, and Professional/General Liability.

17.7.1.2 Additional insurance coverage types and increased insurance limits will be assessed on a case-by-case basis as may be determined by the department, the University's Risk Manager, and the Procurement Department based on the facets of the goods/services being procured.

17.7.1.3 Verification of insurance coverage is handled on an exception basis, unless otherwise specified or required. When insurance certificates or verification is required it will be maintained by the requesting department. Certificates not specifically requested but mailed to FPU by insurance providers may be sent to the Procurement Department for general filing.

17.7.2 Vendor Application and Tax Documents

17.7.2.1 Prior to creating a requisition in Workday for vendor good(s)/services, a Vendor is required to complete and provide the following information to the Department initiating the procurement:

17.7.2.1.1 Vendor Application Form

17.7.2.1.2FPU Electronic Payment Authorization Form (if applicable)

17.7.2.1.3IRS Form W-9 or W-8BEN/W-8ECI

17.7.2.2Requesting Department Responsibilities:

17.7.2.2.1Ensure forms required are completed in their entirety by vendor;

17.7.2.2.2Submit all Vendor documents to addsupplier@floridapoly.edu;

17.7.2.2.3Create a Supplier Request task in Workday;

17.7.2.2.4Create a requisition in Workday AFTER supplier records has been completed in Workday.

17.8 Waiver of Competition Certification (Under \$75,000 only)

1. A Department can submit a request to Procurement to approve a purchase of goods or services without competition when competition would normally be required. This generally means that the product/service is unique and that the vendor is the only one from whom the product/service can be provided. In accordance with the authority granted under applicable Florida law including Board of Governors Regulation 18.001(6)(b), the following documentation must be submitted in support of this request:
2. Describe the product(s) and/or service(s) and anticipated use thereof in layman's language.
 - A. State in detail why only this and no other product(s)/service(s) will satisfy the department's requirements.
 - B. State why the product(s) and/or service(s) are available from only one source and how that determination was made. Explain the research conducted to support this claim.
 - C. Provide an explanation to support the belief that the price is fair and reasonable.
 - D. Proper Certification Form must be approved and executed by Procurement.

18 UNIVERSITY-OWNED PROPERTY

18.1 TRADE-IN OF UNIVERSITY-OWNED PROPERTY

18.1.1Departments wishing to trade-in equipment must submit a requisition for the commodity to be purchased and include the following information about the equipment to be traded: noun name, model number, serial number, property or decal number, date originally purchased, and requisition cost. An approved Property Accountability Form (*NOTE: To be developed*) authorizing disposal by trade-in should accompany the requisition.

18.1.2 Procurement Department obtains a firm price for the equipment that is to be traded following established Procurement Department procedures.

18.1.3 To determine the appropriate bid/quote level requirements involving trade-in property, the value of the trade-in property and the price of any new equipment is combined together (not deducted) to calculate the net total value of the transaction.

18.2 REPAIR AND MAINTENANCE OF UNIVERSITY PROPERTY

18.2.1 Maintenance and Repair Procedures

18.2.1.1 General Office Equipment

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

18.2.1.2 Special Purpose Equipment - A requisition shall be initiated when special purpose equipment is in need of a preventative maintenance inspection or repair services. The requisition should indicate the following:

18.2.1.2.1 Name brand of equipment;

18.2.1.2.2 Serial and model number;

18.2.1.2.3 University property decal number;

18.2.1.2.4 Name, location, and telephone number of primary operator;

18.2.1.2.5 Type of service needed - preventative maintenance inspection or repair services;

18.2.1.2.6 When repair service is needed, state how equipment malfunction was observed;

18.2.1.2.7The proposed maintenance agreement, if available. Please note that the using department is not authorized to sign and approve vendor maintenance agreements. All agreements should be submitted with the requisition and may need review and approval by General Counsel and will need the signature of the AVP of Procurement Department or his/her delegate.

18.2.1.3A purchase order will be placed with the selected maintenance vendor, typically for the basic maintenance inspection. When the total cost of the repair is known or for an amount necessary to cover all known charges for parts, inspection and evaluation services a Change Order shall be submitted for the additional costs.

18.2.1.4If it is determined that the equipment is beyond economical repair the using department shall contact the AVP of Campus Development and Facilities Department to initiate the survey of the property to dispose of the asset.

18.2.2Excess Serviceable Property: Serviceable property which is excess to the needs of any department responsible for its custody should be permanently transferred to the Property Manager in the Campus Development and Facilities Department that it can be offered to other departments or otherwise disposed of in accordance with the University's property management procedures. The Procurement Department will issue bids or arrange for Auction for Surplus Property Sales to the public, in accordance with FPU-8.0041P Surplus Property Policy.

19 LIMITED AND SPECIAL PURCHASES

19.1 ACQUISITION OF MOTOR VEHICLES, WATERCRAFT OR AIRCRAFT

19.1.1Requesting Department Responsibilities - The requesting department shall submit a requisition complete with State Contract or Cooperative Contract number, specification/line, vehicle color, vehicle specification, trim package, and other features including type of tag (normally College tag).

19.1.2Requisitions will route to the Transportation Department for verification of required forms and assignment of an asset tracking number. The asset number shall be entered into the Comments section for approval.

19.1.3All vehicles will be delivered to a designated Transportation Department location for receipt and entry into the University's Vehicle Fleet. Whenever possible the dealer will be required to provide vehicle tag.

19.1.4University Vehicles will comply with University Communications, Visual Standards Manual, and shall comply with the vehicle colors authorized and utilize only approved trademarks and logos.

19.1.5At this time, commercially available Hybrid models are ineligible to earn

credits under the standard compliance per the Energy Policy Act.

19.2 ACQUISITION OF TOXIC SUBSTANCES

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

19.3 ACQUISITION OF WEAPONS AND EXPLOSIVES

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

19.4 ACQUISITION OF RADIOACTIVE MATERIALS

Radioactive materials are controlled by the University's Environmental Health and Safety (EH&S) Office. Approvals for the purchase of radioactive materials must be received by EH&S in advance. Only EH&S staff may receive and transport radioactive substances.

The using department must comply with all University guidelines and directives regarding the safety, storage and disposal of these materials.

19.5 ACQUISITION OF CONTROLLED AND MEDICAL GRADE SUBSTANCES

Controlled and medical grade substances such as chemicals and gases may only be ordered by licensed personnel and with the approval of the Division of Research. The using department must comply with all University guidelines and directives regarding the safety, storage and disposal of these materials.

19.6 ACQUISITION OF LIVE ANIMALS

Live animals may only be ordered with the approval of the Division of Research. The using department must comply with all University guidelines and directives regarding the safety, and handling of live animals.

19.7 ACQUISITION OF PESTICIDES AND HAZARDOUS MATERIALS

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

19.8 ACQUISITION OF CONSTRUCTION AND RENOVATION SERVICES

All construction projects, renovations, and alterations to buildings, offices and land require written approval from FPU Campus Development Department. Approval is required for any alteration to a structure, land, or room including renovations for shelving, wall mountings, carpeting, and any ceiling mount such as data projectors and TVs.

19.9 RECEIPT OF UNSOLICITED GOODS

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

19.10 INSURANCE

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

19.11 MEDICAL CONTRACTORS AND INSURANCE

The purchase of medical insurance or coverage of any type, professional liability insurance for medically related FPU (faculty, staff, and student) service providers, and the hiring of medical professionals to dispense care or treatment to anyone are prohibited expenditures unless first validated and approved by the General Counsel's Office and the University's

Risk Manager in Environmental Health & Safety's (EH&S) for compliance in accordance with FPU's Self Insurance Program (SIP).

19.12 GIFT CARDS

Gift Cards are limited for purchase to research participants ONLY using approved grant funds. It is not permissible to use PO's or E-Cards for the purchase of gift cards. Qualifying Gift Card purchases will be processed in accordance with the Accounts Payable Policy established in writing by the Controller's Office, and Division of Research.

19.13 DRONES

The purchase of drones and other remote aircraft and vehicle system are monitored and approved by Environmental Health and Safety.

19.14 LEGAL SERVICES

Legal services or the hiring of licensed legal practitioners for services in any capacity must be approved by the University's General Counsel.

19.15 AUDIT SERVICES AND INSPECTION STUDIES

The purchase of auditing services or inspection services must be approved by the University Controller and the Inspector General.

19.16 INVESTIGATIVE SERVICES

Police and other investigative services must be approved by the President's Office.

19.17 PURCHASE OF ATTRACTIVE PROPERTY

"Attractive/sensitive assets" are tangible personal property that cost less than \$5,000 and can be characterized as "walk away" items. These items are prone to theft because they are either not secured, are easily portable, contain new technology and/or they are adaptable for personal use. Any property item included on the United States Munitions List (USML) that costs less than \$5,000 will be considered an attractive/sensitive asset.

Although items such as printers, cameras, scanners and other "attractive property" valued under \$5,000 may not be tagged or inventoried annually, your department should make every effort to safeguard this property.

Examples of attractive/sensitive items include: Audiovisual equipment/Projectors/Televisions Digital Cameras/Video Cameras, Communication Equipment, Computer peripherals/Scanners/ Data Processing Equipment, and some Lab equipment.

20 DIVERSITY PROGRAM

Florida Polytechnic University is an equal opportunity institution and is therefore committed to encouraging diversity in the procurement and contracting process in a fiscally sound manner. We strive to provide information and access to all small and disadvantaged business enterprises to help support the participation of minority, women and service-disabled veteran owned small businesses through University in-reach, community outreach, education and training. The Diversity Program can be found on the University's Procurement webpage.

21 SOCIAL SECURITY NUMBER COLLECTION & USAGE

FPU's Procurement Department may collect social security numbers (SSNs) only as specifically authorized by law or if imperative for the performance of duties and responsibilities as prescribed by law. SSNs may be required to facilitate vendor payments, authenticate identity, and the issuance of honoraria to individuals. SSNs are necessary for compliance with Financial Information Reporting, and Miscellaneous Income (1099) reporting to the IRS. SSNs may also be required for EFT/ACH (direct deposit) Forms to verify against bank records. FPU takes appropriate measures to secure SSNs from unauthorized access and does not release SSNs to other parties except as authorized by law or as necessary for the fulfillment of our duties and responsibilities, and will only be required for the legitimate business purposes as outlined below:

- A. Vendor Application Form, and as required by the IRS Form W-9 and the ACH Enrollment Form contained therein.

Authorized by 26 USC §§3402, 3406, 1441, 6109 and §119.071(5), F.S.

22 USED EQUIPMENT PURCHASES

Purchases of used equipment are permitted if determined to be in the best interest of the University. A determination will be made on a case-by-case basis that the purchase of used equipment is the best "overall" value for the University, taking into consideration a number of key variables, which affect the total cost of the equipment.

The purchase of used equipment requires a slightly different process, as it presents some unique variables that should be considered before making a purchase. The requesting department should first identify the minimum specifications required, and then identify the specific used equipment that is acceptable. All used equipment in consideration should be in excellent condition. The requesting department should apply their best efforts to determine that the purchase of the equipment would be in the best interest of the University and be prepared to document their conclusion via the "research" they have conducted. This might include: going to several Web sites to find the market trend for used equipment, or quotes for similar used equipment, or contact known equipment suppliers, brokers, or colleagues to establish a fair market value.

Departments/individuals should first check for used equipment available on campus via Surplus Property. Used equipment identified outside of the University should be purchased through the competitive bid process whenever possible unless the purchase meets the requirements of a sole source or is below \$10,000. Criteria to consider in making the determination of purchasing "used" versus "new" equipment:

- A. Manufacturer or brand, type, use and life expectancy of "new" versus "used" equipment.
- B. The purchase price of "new" vs. "used" equipment, and "used" vs. "used" equipment. (Compare at least 2 used equipment quotes).
- C. Risks presented by "used" vs. "new" equipment (e.g. possible contamination from

prior

usage, modification of equipment that might pose safety hazards, etc.)

- D. The relative price and general condition of used equipment.
- E. Warranty offered for "used" vs. "new".
- F. Service, maintenance plans, and parts availability of used versus new.
- G. Payment terms.
- H. Consideration of the freight charges and F.O.B. Point (i.e. FOB Destination, Origin, etc.) - in other words, where FSU assumes responsibility. FSU's standard is FOB Destination