



**FIU Foundation Inc., Procurement # 710.033**

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
March 1, 2014	April 16, 2021	FIU Foundation, Inc.

**POLICY STATEMENT**

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

Conflicts and Ethics

All FIU Foundation personnel directly engaged in purchasing decisions shall adhere to the standard of conduct set forth in the Code of Ethics for Public Officers and Employees, Section 112.313 of the Florida Statutes. No University or Foundation employee participating on a procurement selection committee may solicit donations from the responding vendors, unless donations or other such benefits are expressly stated in the procurement documents.

Beneficiary of Procurement

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

Nature of Purchase and Prohibited items

The Foundation shall not purchase or procure any goods or services for the benefit of any individual or organization other than the Foundation itself or the University. Nor shall the Foundation purchase any goods to meet the personnel convenience or personal preferences of any University employee.

The Foundation is prohibited from procuring: drugs, medicines, radiological materials, hazardous chemicals, biological agents, vehicles, watercraft, aircraft, munitions, firearms, explosives, live animals, any goods or services prohibited by law or regulation or any item referenced in the Foundation's Prohibited Disbursements Policy.

No procurement shall be allowed to occur unless it is consistent with the requirements of the Internal Revenue Code and regulations thereunder.

No procurement or expenditure shall be made in support of any political campaign or on behalf of any candidate for any public office.

#### Authorities and Reporting Requirements

The Foundation's Chief Executive Officer is authorized to sign contracts for commitments up to \$100,000 to be calculated including all renewals and options. Contracts above \$100,000 will be approved by an officer of the Board of Directors.

All leases or purchases of real property shall be reviewed and approved by the Real Estate Subcommittee regardless of price/cost.

A list of all contracts valued over \$25,000 and executed since the last meeting of the Finance Committee shall be provided as an information item of the Finance Committee.

#### Exclusions

Procurement of certain goods or services is exempt from competitive procurement as completion is normally not practicable for such goods or services and/or price is not a determining factor in vendor selection. . However, this clause should not be construed to imply that competitive procurement is never appropriate for these types of goods or services. As the opening paragraph of this policy states: "(t)he purchasing objective is to secure ... goods and services, including professional services, ... in a cost-effective and responsive manner, consistent with quality requirements and specifications." These types of services should be considered for competitive procurements consistent with this policy and the needs of the Foundation whenever possible.

Exclusions from competitive procurement are

- a) artistic services
- b) art conservation services
- c) advertisements
- d) subscriptions for professional periodicals and newspapers
- e) dues and membership in trade and professional organizations
- f) postage
- g) employee or other travel and training reimbursement
- h) lectures
- i) lobbying

- j) audit and accounting services
- k) health services
- l) legal services
- m) speaking engagements
- n) registration fees for workshops, seminars, and conferences
- o) goods or services provided by the University or other direct support organizations of the University
- p) due diligence costs associated with real estate transactions
- q) utility services
- r) venues for fundraising and other special events

This policy does not cover employment or salaries

This policy also does not cover business travel, business expense reimbursement (including gifts and awards) and employee meal reimbursement. These are addressed in separate policies and procedures adopted by the Foundation Board and available at <http://foundation.fiu.edu/Pages/Policies-and-Procedures.aspx>.

#### Coordinated Review

All insurance procurements shall be reviewed by the University's Office of Risk Management.

Information Technology and/or Telecommunications equipment purchased by the FIU Foundation shall be reviewed by the University IT department when there is applicable need to ensure system compatibility (with University IT system) and compliance with any applicable security requirements if there is impact on or use of University systems. This will be based on location of each specific FIU Foundation operation and applicable if University IT platform or phone system is to be utilized.

Procurements involving any design-related or construction services shall be coordinated with the University's Facilities Management Department.

All procurements involving legal services shall be coordinated by FIU's Office of the General Counsel, in consultation with the Foundation's President and CEO.

#### Legal Review and Compliance

All contracts, including leases that depart from templates approved by the Office of the General Counsel require legal review.

The FIU Foundation shall make all purchases in compliance with applicable State of Florida and federal law, including without limitation, laws governing the financial relationships among individuals and or entities in a position to refer or receive referrals for items or services covered by State insurance programs or commercial insurers.



#### **SCOPE**

FIU secures supplies, goods, and services, including professional services, for the FIU Foundation in a cost-effective and responsive manner, consistent with quality requirements and specifications, in order to meet the needs of the FIU Foundation. To the extent possible, goods and services should be procured competitively to ensure reasonable prices and safeguard against favoritism or fraud.

#### **REASON FOR POLICY**

The following procedures shall specifically apply to FIU Foundation procurements. If contracts for goods or services let by the University; any State of Florida agency or department; or the federal government match.

#### **DEFINITIONS**

<b>TERM</b>	<b>DEFINITIONS</b>
Authorized Officer	means any Florida International University or FIU Foundation employee authorized by the Board of Directors of the FIU Foundation to approve purchases made in accordance with this policy.
Goods	Goods are items that can be seen and touched, such as books, pens, salt, shoes, hats, and folders.
Invitation to Bid (ITB)	is a formal competitive solicitation, which is sometimes referred to as a "sealed bid". An ITB is used when price as well as specification requests, are major considerations in the award process.
Invitation to Negotiate (ITN)	is a competitive solicitation, for goods or services, where factors other than price are to be considered in the award determination. These factors may include such items as vendor experience, project plan, and design features of the product(s) offered. An ITN is used when the award decision cannot be made on lowest price alone, and procurement needs must be negotiated with the responding vendors. Examples of procurement needs for this format include a major software purchase or acquiring consultants for a "design-build" project.
Procurement	means buying, purchasing, renting, leasing, or otherwise acquiring any supplies or services within the scope of the policy. It also includes all functions that pertain to the obtaining of any supply or service including description of requirements, selection, and



	solicitation of services, preparation and award by contract, and all phases of contract administration.
Request for Proposal (RFP)	is a competitive solicitation, for goods or services, where factors, other than price are to be considered in the award determination. These factors may include such items as vendor experience, project plan, and design features of the product(s) offered. An RFP is used when the award decision cannot be made on lowest price alone.
Services	Means the furnishing of labor, time, or effort by a contractor
Specifications	means any description of the physical or functional characteristics, or the nature of a supply or service.

#### ROLES AND RESPONSIBILITIES

Division of University Advancement  
Modesto A. Maidique Campus 11200 S.W. 8 Street,  
MARC 540  
Miami, Florida 33199  
Telephone Number: (305) 348-6298

#### RELATED RESOURCES

The FIU Foundation is a 501(c) 3 corporation with a sole purpose to support the mission of the FIU by encouraging, soliciting, receiving, and administering gifts for the scientific, educational, and charitable purposes for the advancement of Florida International University and its objectives.

#### CONTACTS

FIU Foundation, Inc.  
11200 S.W. Eighth Street,  
Miami, Florida 33199  
(305) 348-6298

#### HISTORY

**Initial Effective Date:** March 1, 2014

**Review Dates** (*review performed, no updates*): January 10, 2024

**Revision Dates** (*updates made to document*): April 16, 2021