

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED REGULATION**

REGULATION NUMBER AND TITLE: FPU-8.002 Prompt Payment to Contractors/Vendors.

SUMMARY OF THE REGULATION: This regulation specifies the obligations and provides the timelines and procedures to be followed by the University and its contractors/vendors related to making payments for purchases of goods and services.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <<http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>>. If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Administrative Assistant to the VP and General Counsel at (863)583-9061.

AUTHORITY: Board of Governors Regulations 1.001(7), and 18.001; Florida Statutes §1010.04(2)

NAME OF PERSON INITIATING PROPOSED REGULATION: Gina DeIulio, VP and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Bacogie Luke, Administrative Assistant to the VP and General Counsel at 439 South Florida Avenue, Suite 300, Lakeland, Florida 33810, Email: bluke@floridapolytechnic.org, Phone: (863)583-9061, Fax: (863)583-9070.

DATE OF PUBLICATION: November 12, 2013

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-8.002 Prompt Payment to Contractors/Vendors.

(1) This regulation applies to all purchase orders, agreements and contracts for the purchase of goods and services by the University.

(2) It is the policy of the University that payment of an invoice shall be disbursed within forty (40) days after receipt of a proper invoice (to include Contractor/Vendor name, date, description of goods and services and amount due), receipt of goods at the location set forth on the purchase order or contract, and inspection and approval of the goods or services received, except that in the case of a bona fide dispute the Contractor/Vendor shall be notified of the dispute and payment will be made only for the amount not in dispute.

(3) If payment of an invoice is not issued within thirty (30) days after the University's receipt of a proper invoice, inspection and approval of the goods and services, the University, upon a valid request, will pay to the Contractor/Vendor, in addition to the amount of the invoice, an interest penalty at the rate established pursuant to Florida Statutes §55.03(1), provided that the interest penalty is in excess of one dollar (\$1.00). The interest will be calculated on the unpaid balance from the expiration of the 30-day period until such time as the payment is issued to the Contractor/Vendor. Interest penalties will be processed within 15 days after issuing the payment unless there are exigent circumstances. The provisions of this paragraph apply only to undisputed amounts for which payment has been authorized.

(4) For purposes of determining the date an invoice was received, the University will be deemed to have received an invoice on the date on which a proper invoice is first received at the location designated by the University. However, if the department failed to annotate the invoice with the date of receipt at the time the department actually received the invoice, or the department failed, at the time the order was placed or the contract was entered into with the Contractor/Vendor, to designate a specific location to which the invoice was to be delivered, the University will be deemed to have received the invoice on the date of the Contractor/Vendor's invoice.

In cases where the Contractor/Vendor's invoice is incorrect and the Contractor/Vendor is required to furnish a revised invoice, the receipt date of the revised invoice will be used.

In case of bona fide dispute, the Contractor/Vendor will be contacted and documentation will be maintained as to the date(s) and person(s) contacted, and the invoice receipt date will be the date a final resolution is reached.

(5) The University may make partial payment to a Contractor/Vendor upon partial delivery of goods or services when a request for such partial payment is made by the Contractor/Vendor and approved by the University.

(6) If the terms of the invoice provide a discount for payment in less than thirty (30) days, the University shall preferentially process it and use all diligence to obtain the savings by complying with the invoice terms.

(7) Where the specific provisions of the contract, federal or state law alter the timeframe for making contractually required payments to a Contractor/Vendor or contractor, the University will process payments to meet the contractual, federal or statutory timeframe.

(8) All purchasing agreements between the University and a Contractor/Vendor shall include the telephone number of the University Vendor Ombudsperson.

(9) The University may authorize advance payments for goods and services (including, but not limited to, maintenance agreements, subscriptions, and deposits) only when it is in the best interests of the University to make payments in advance, and it has been determined there is adequate protection to ensure that such goods or services will be provided.

(10) Contractor/Vendors must have a complete and accurate Internal Revenue Service Form W-9 or other acceptable form that provides all necessary data to determine 1099 status on file with the University. Invoices received from Contractor/Vendors who have failed to supply the University with a complete and accurate W-9 will be deemed insufficient for payment until such information has been provided.

(11) Invoices received from Contractor/Vendors shall be for the amount and pricing schedules set forth in the purchase order or contract unless the Contractor/Vendor has received a written change order.

(12) Reimbursements to University officers and employees must be paid in the same timeframes as payments to Contractor/Vendors under this regulation.

(13) The provisions of this regulation do not apply to payments made to governmental entities of the State of Florida such as state agencies, local governments and political subdivisions.

(14) For construction contracts, the terms and conditions of the contract shall govern the timely payments to contractors for work satisfactorily completed.

Authority: FBOG regulations 1.001(7) and 18.001; Florida Statutes §1010.04(2)

History: New _____