

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED REGULATION

REGULATION NO.: FIU-2202

REGULATION TITLE: Prompt Payment

SUMMARY: This Regulation provides the rights and responsibilities of the University and specified contractors doing business with the University regarding the inspection of commodities or services, submission of invoices, processing of invoices, processing of payment, and paying interest on late payments.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://bot.fiu.edu/regulations/>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Resolution of the Florida Board of Governors dated January 7, 2003, and Board of Governors' Regulation 18.001.

NAME OF PERSON INITIATING PROPOSED REGULATION: Cristina Mendoza, Vice President 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.

CONTACT PERSON REGARDING THE PROPOSED REGULATION: Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu Fax: (305) 348-3272. Phone: 305-348-2103.

DATE OF PUBLICATION: August 12, 2008.

THE FULL TEXT OF THE REGULATION IS PROVIDED BELOW:

~~6C8-7.032~~FIU-2202 Prompt Payment.

(1) It is the policy of the University that documentation authorizing payment of an invoice shall be approved for payment not later than forty (40) days after receipt of a proper invoice and receipt, inspection, and approval of the ~~goods~~ commodities or services, except that in the case of a bona fide dispute, the payment voucher shall contain a statement of the dispute and authorize payment only in the amount not in dispute.

(a) Inspection and approval of ~~goods~~ commodities or services shall take no longer than five (5) business days after receipt of ~~goods~~ commodities or completion of services, unless the ~~bid specifications~~ competitive solicitation, purchase order or contract specifies otherwise.

(b) 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.

(c) The University may make partial payments to a contractor upon partial delivery of ~~goods commodities~~ commodities or services ~~or upon partial completion of construction~~ when a contractor requests ~~for such partial payment , and such request is appropriate under the circumstances and is made by the contractor and~~ approved by the ~~Controller~~ appropriate University representative.

(d) In cases of disputes regarding invoice amounts, the ~~vendor~~ contractor will be contacted and references will be made on the invoice as to the date(s) and person(s) contacted. For calculation of the invoice receipt date, the final resolution date on the disputed amount(s) will be used. In cases where the ~~vendor~~ contractor's invoice is incorrect and the ~~vendor~~ contractor is required to furnish a revised invoice, the revised invoice receipt date will be used.

(e) If the terms of the invoice provide a discount for payment in less than forty (40) days, the University shall preferentially process it and use all diligence to obtain the savings by complying

with the invoice terms.

(2) The University is authorized to advance payments for ~~goods~~commodities and services, including, but not limited to, maintenance agreements and subscriptions, only to the extent such payments are necessary and reasonable, and only when it is in the best interest of the University to make payments in advance and it has been determined by the appropriate University representative that there is adequate protection to ensure that such ~~goods~~commodities or services will be provided.

(3) If ~~a check in~~ payment of an invoice is not issued within forty (40) days after receipt of a proper invoice and receipt, inspection, and approval of the ~~goods~~commodities and services, the University will pay to the ~~vendor~~contractor, in addition to the amount of the invoice, an interest penalty at the rate established pursuant to Section 55.03(1), F.S., provided, however, that the interest penalty is in excess of one dollar (\$1.00). Such interest will be calculated on the unpaid balance from the expiration of such forty-day period until such time as the payment is issued to the ~~vendor~~contractor. The interest penalty will be processed within 15 days after issuing the payment. The provisions of this paragraph apply only to undisputed amounts for which payment ~~had~~has been authorized.

~~(4) All purchasing agreements between the University and a vendor shall include a statement of the vendor's rights and the University's responsibilities under this Rule. The vendor's rights shall include being provided with the telephone number of the vendor ombudsman within the Office of Business and Finance at the University.~~

~~(5)~~ Invoices received from ~~vendors~~contractors which have failed to supply the University with a complete and accurate Internal Revenue Service Form W-9 or other form that provides all necessary data to determine 1099 status will be deemed insufficient for payment until such

information is received. Invoices will not be deemed received until ~~vendor~~contractor has supplied all data necessary to determine 1099 status.

(65) This ~~Rule~~regulation does not apply to payments made to state agencies or other governmental entities within the State of Florida.

*Specific Authority ~~1010.04(2) FS~~BOG Resolution dated 1-7-2003, BOG Regulation 18.001~~Law Implemented 1010.04(2) FS.~~
History–New 6-17-04, Formerly 6C8-7.032, Amended.*