

# FLORIDA GULF COAST UNIVERSITY

## NOTICE OF REGULATORY ACTION

September 19, 2008

**REGULATION TITLE:**

Prompt Payment to Vendors

**REGULATION NO.:**

FGCU-PR7.004

**SUMMARY:**

The regulation is being repealed and moved to FGCU-PR6.021 as a procurement regulation.

**FULL TEXT:**

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

**LAW IMPLEMENTED:**

Not Applicable

**UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:**

Maryan Egan, Director of Procurement Services

**UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:**

Dr. Joseph Shepard, Vice President of Administrative Services and Finance

**PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:**

Diane St. John, Administrative Assistant, [dstjohn@fgcu.edu](mailto:dstjohn@fgcu.edu); (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

**ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE OCTOBER 3, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.**

**THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: SEPTEMBER 19, 2008.**



**REGULATION: FGCU-PR7.004**

*Effective Date of  
Regulation:*

## **PROMPT PAYMENT TO VENDORS**

06-20-06

REPEAL

~~(1) The following provisions relate to all purchase orders, agreements and contracts for the purchase of goods and services in accordance with Chapter 6C10-6, F.A.C., Purchasing.~~

~~(a) It is the policy of the University that payment of an invoice shall be made not later than forty (40) days after receipt of a proper invoice, receipt of goods at the location set forth on the purchase order or contract, and inspection and approval of the goods or services, except that in the case of a bona fide dispute the vendor shall be notified of the dispute and payment made only for the amount not in dispute.~~

~~1. 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 an invoice in the amount(s) and price(s) stipulated in the purchase order or contract and any written change order is first received at the location designated by the University. In cases where the vendor invoice is incorrect and the vendor is required to furnish a revised invoice, the receipt date of the revised invoice will be used.~~

~~2. The University will make partial payments to a vendor upon partial delivery of goods or services when a request for such partial payment is made by the contractor and approved by the Controller or designee as being in the best interests of the University.~~

~~3. In cases of disputes regarding issues other than invoice amounts, the vendor will be contacted and documentation will be maintained as to the date(s) and person(s) contacted. The invoice receipt date will be the date final resolution is reached.~~

~~4. 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.~~

~~5. Where the specific provisions of the contract, federal or state law alter the timeframe for making contractually required payments to a vendor or contractor, the University will process payments to meet the contractual or statutory timeframe.~~

~~(b) The University shall advance payments for goods and services including, but not limited to, maintenance agreements and subscriptions 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.~~

~~(c) 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 and services, the University upon a valid request will pay to the vendor, 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). The interest will be calculated on the unpaid balance from the expiration of the 40-day period until such time as the payment is issued to the 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. The provisions of this paragraph do not apply to payments made to governmental entities of the State of Florida such as local governments and political subdivisions.~~

~~(d) 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 University Vendor Ombudsperson who shall be the Vice President for Administrative Services or designee.~~

~~(e) Invoices must contain the vendor/contractor name, FEI number and purchase order or contract number. Vendors must have on file with the University a complete and accurate Internal Revenue Service Form W-9 or other acceptable form that provides all necessary data to determine 1099 status. Invoices will be deemed received when the vendor has supplied all information specified above.~~

~~(f) Invoices received from vendors shall be for the amount and pricing schedules set forth in the purchase order or contract unless the vendor has received a written change order.~~

~~(2) Construction Contracts — For construction projects, the terms and conditions of the contract shall govern the timely payments to contractors for work satisfactorily completed.~~

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*Action by Florida Board of Governors: Not Applicable*

*Action by Florida Gulf Coast University Board of Trustees:*

*Approved, June 20, 2006*

*Specific Authority: BOG Regulation Development Procedure, 1001.74(4), 1010.04(2) FS.*

*Law Implemented: 1001.74(5), (17), (29), 1001.75(5), 1010.04(2), 1011.4105 FS.*

*Effective Date of Regulation: June 20, 2006*

*History of Regulation: New 06-20-06,*

*History of Predecessor Rule: New 3-10-05*