Florida Gulf Coast University Board of Trustees
January 18, 2005

SUBJECT: Prompt Payment to Vendors Rule

PROPOSED BOARD ACTION

Approve adoption of new Rule 6C10-7.004, F.A.C., Prompt Payment to Vendors

BACKGROUND INFORMATION

Historically, state universities were required to follow the vendor payment policies for state agencies in Section 215.422, Florida Statutes, and payments to FGCU vendors were made through the Comptroller of the State of Florida. The passage of Article IX, Section 7 of the Florida Constitution during the 2002 General Election, established the Board of Governors and the state universities as constitutional bodies rather than state agencies. As a result of the greater autonomy afforded to a constitutional entity, Florida Gulf Coast University has implemented its own financial and accounting systems and FGCU now pays its vendors directly.

Since Section 215.422, F.S., no longer applies to state universities, the Chief Financial Officer of the State of Florida (CFO) has requested that each university board of trustees adopt a policy ensuring the prompt payment of its vendors. Rule 6C10-7.004 has been developed through the collaboration of the Vice President for Administrative Services, General Counsel and University Controller. University administration proposes the rule to the Board of Trustees for its consideration and agrees with the CFO that the adoption of such a policy will facilitate the use of sound business practices.

The University provided members of the public and University community with opportunities for a rule development workshop on October 29, 2004, and a rulemaking hearing on December 20, 2004, and neither were requested.

Supporting Documentation Included: Proposed New Rule Text

Legal Review by: N/A

Prepared by: Vice President for Administrative Services Joe Shepard, and General Counsel Wendy S. Morris

Submitted by: Vice President for Administrative Services Joe Shepard
6C10-7.004 Prompt Payment to Vendors

(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 s. 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.

Specific Authority: 1001.74(4), 1010.04(2), F.S.
Law Implemented: 1001.74(5), (17), (29), 1001.75(5), 1010.04(2), 1011.4105, F.S.
History: New
Florida Gulf Coast University Board of Trustees  
January 18, 2005

SUBJECT: In-State Tuition Waivers

PROPOSED BOARD ACTION

Approve a policy granting the President or designee the authority to establish in-state waivers to attract a diverse and high quality student population.

BACKGROUND INFORMATION

The University requests that the Florida Gulf Coast University Board of Trustees authorize the President or designee to provide an in state tuition waiver to enhance the ability of Florida Gulf Coast University to retain the best and brightest students. In particular, this would allow the University the ability to establish targeted recruitment opportunities of specific groups of students such as students from under-represented populations, students who have demonstrated strong leadership, or students who have strong academic records.

Supporting Documentation Included: Proposed In-State Tuition Waiver Policy

Prepared by: Vice President for Administrative Services Joe Shepard

Legal Review by: General Counsel Wendy S. Morris (December 17, 2004)

Submitted by: Vice President for Administrative Services Joe Shepard
POLICY ON STUDENT IN-STATE TUITION WAIVERS

**Purpose:** Florida Gulf Coast University uses University Board of Trustee authority for the purpose of waiving the in-state portion of tuition for certain types of students to enhance campus diversity and academic quality in an ever-increasing competitive student market.

**Policy:** Waivers are awarded based on the University’s established key selection criteria of recruitment, retention, diversity and service to students who meet certain initial requirements.

**Application:** The Office of Enrollment Management (OEM) is the central receiving and processing location for all undergraduate and graduate student waiver applications. In-state undergraduate tuition (matriculation) waivers will be created to target recruitment opportunities to attract a diverse and strong student population. A waiver committee will be formed to determine and recommend to the University President or designee the purpose, scope and criteria of each waiver category. The waiver committee will consist of the Director of Admissions as chair and will be composed of two individuals as selected by the University President or designee and two students selected by the Student Government President and confirmed by the University President or designee. The committee will meet at least annually to evaluate the purpose, scope, criteria and effectiveness of each waiver category. These waivers may be awarded or renewed each year to selective undergraduate students meeting the below criteria.

**Procedure:** Parameters for award and renewal eligibility for undergraduate in-state waiver authority shall be as follows:

**Undergraduate Student Waivers**

*Initial eligibility requirements:*

- Approval for admission to Florida Gulf Coast University as a degree-seeking student who has demonstrated a balanced academic portfolio. Such a balance is determined by:
  1) Active community service, or
  2) a minimum unweighted GPA of 3.0, or
  3) a 1050 on the SAT, or a 22 on the ACT, or
  4) an outstanding record of leadership achievements determined by a waiver committee.

*Renewal requirements:*

Waiver awards are guaranteed for one year only and are contingent upon continued budget authorization. To renew, undergraduate students must continue to meet the established eligibility criteria as established by the waiver committee. Waivers renewal criteria shall be based on:

1) Active community service, or
2) a minimum unweighted GPA of 3.0, or
3) an outstanding record of leadership achievements determined by a waiver committee.

**ANNUAL REPORT:** Each unit making awards is responsible for submitting an annual report to the Office of Enrollment Management (OEM) verifying compliance with all requirements by August 1 of each year. The annual report shall be shared with the University Board of Trustees at the Board of Trustees’ first meeting after August 1 of each year. OEM will ensure that all awards are disbursed to the students and to ensure compliance with federal, state and institution regulations and will forward all reports to the President or designee.
Florida Gulf Coast University Board of Trustees  
January 18, 2005

SUBJECT: 2005 Legislative Priorities

PROPOSED BOARD ACTION

Approval of legislative priorities for the 2005 legislative session.

BACKGROUND INFORMATION

These items were previously presented to the Board of Trustees as an information item, and they are now presented for approval prior to the 2005 Legislative Session.

Supporting Documentation Included: FGCU 2005 Legislative Priorities

Prepared by: Director of Government Relations Mary Dougherty-Slapp

Legal Review by: N/A

Submitted by: President Bill Merwin
Florida Gulf Coast University
2005 Legislative Priorities

1. **Enrollment Growth Funding**

Florida Gulf Coast University continues to experience rapid enrollment growth. Our latest projections show our FTE at 3951 in 2005-06 and our headcount at 7432. This FTE is 19% greater than 2003-04 and the headcount almost 28% higher. As you can see funding to adequately serve the increasing student population and provide quality instruction and educational services must remain the number one priority of Florida Gulf Coast University.

2. **Public Education Capital Outlay (PECO) Funding**

As significant enrollment increases continue to occur at Florida Gulf Coast University, there continues to be a critical shortage of classrooms and office space for new faculty on campus, as well as additional land, infrastructure and programmatic needs.

- Academic VI Classroom Building (Planning) $ 687,000
- Academic VII Classroom Building (Planning)$ 585,000
- Joint Use Facility (Charlotte County) $8,000,000
- Roads/Parking/Infrastructure $5,000,000
- Fine Arts Phase II Auditorium (Planning) $ 763,000
- Land Acquisition $5,000,000

3. **Courtelis State University System Facility Enhancement Challenge Grant Program**

According to a recent report, which sought to identify the academic and programmatic choices Florida Gulf Coast University should make in the next few years that will benefit Southwest Florida in the future, a need for an Engineering Program was clearly identified as crucial for continued economic growth and prosperity for the region. In seeking to fill this void the University quickly went to work and secured matching gift money for a new Engineering School at FGCU.

Thanks to the generosity of the Southwest Florida Community a pledge of $5 million dollars has been secured to begin this program.

Therefore, FGCU is requesting:

- Engineering School $5,000,000

4. **Appropriations**

FGCU is developing its Engineering School, with a focus on non-traditional areas of engineering that will directly support and help to grow the State’s initiative in biotechnology and IT. The engineering programs will be cross-disciplinary in every aspect, and integrate across traditional lines represented by the basic sciences, biotechnology, business and engineering. We envision a seamless program that will
build on the growing capabilities in biotechnology at FGCU that already encompasses private sector and SUS research and training experience in engineering. FGCU is requesting assistance from the State to ensure the growth of an undergraduate engineering program of national distinction.

- FGCU requests $2.2 M in recurring funds

5. **Matching Gifts Program**

Once again, due to the generosity of our community, FGCU will request a match from the State of Florida for eleven gifts, totaling:

- $3,015,785

6. **Specialty Tag Exemption**

During the 2004 legislative session a new law based on SB 2020 passed which requires that specialty plates be discontinued if less than 1,000 plates are sold for 12 consecutive months. As a consequence, FGCU and New College will be the only two Universities within the State University System that will not qualify for a collegiate specialty tag. While FGCU has launched an aggressive marketing campaign, we feel it will be necessary for FGCU to work with our delegation to provide an exemption until the FGCU enrollment and graduation numbers reach a critical mass to sustain such a level of continued registration.

One possible strategy could be to reinact the exemption language that was eliminated in 2204 (cs/cs/SB 2372 - Chapter 2004-338) 
"(c) the requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3), (13), and (26)."