

Florida Atlantic University

Regulation 2.005 Sponsored Research Exemptions.

(1) General Information: 1004.22, Florida Statutes, allows the University, in particular instances, to exempt the purchase of materials, supplies, equipment or services for research purposes from the general purchasing requirements of Chapter 287, Florida Statutes. Additionally, Florida Statutes provides that the operation of divisions of sponsored research and the conduct of the sponsored research program are expressly exempted from the provisions of any other laws or portions of laws in conflict with that provision and that they are (subject to the requirements of 1004.22 Florida Statutes) exempted from the provisions of Chapters 215, Florida Statutes, (Financial Matters: General Provisions), 216 (Planning and Budgeting) and 283 (Public Printing). A sponsored research exemption shall only be used when the proposed purchase is fully funded from sponsored research funds. Payments made for purchases or other actions under a sponsored research exemption shall not be reimbursed subsequently from other University funds.

(2) Exercise of Exemption: The exemption will be exercised only when the Director of Sponsored Research certifies to the President that, in a particular instance, the exemption is necessary for the efficient or expeditious prosecution of a sponsored research project. The exemption will be processed through use of a preprinted form which the Director of Sponsored Research will complete and submit to the President or the President's designee. The form, entitled "Sponsored Research Exemption Certification" (DSR Form 94-1, effective 10/94, which is incorporated by this reference), will identify the applicable project title, the University account number, the principal investigator, the proposed purchase and the selected vendor. The form will also state the necessity for the exemption sought.

(3) Exemption Criteria: The Director of Sponsored Research is authorized to seek to exempt a purchase under a grant or contract from the requirements of law which are otherwise applicable by demonstrating that one or more of the following conditions exist:

(a) Competitive bidding is not feasible. This condition shall be applicable if:

1. The Principal Investigator (i.e., the faculty member supervising the research) has submitted a memorandum to the Director of Sponsored Research to justify the necessity for requesting a sponsored research exemption. In addition to a detailed justification for the request, the memorandum must include a written quotation from the vendor desired, detailing the price, the FOB point, responsibility for freight and insurance and payment terms; a statement, other evidence or both, showing that some form of price comparison or determination of price reasonableness had been performed; and a written statement signed by the Principal Investigator certifying that he or she is independent of, and has no conflict of interest in, any of the entities evaluated and selected (Section 287.057(19), Florida Statutes).

2. The vendor is a governmental agency and the purchase is excluded from competitive bid requirements as stated in Section 287.012(4)(c), Florida Statutes.

3. Justification is furnished. One or more of the following criteria shall be used to support such justification:

a. A certain vendor is specified in a prime contract or grant award, or approved in

writing by the prime contractor or granting agency in accordance with the provisions of the prime contract or grant award.

b. The purchase of specific goods, services or both from a certain vendor is demonstrated to be more efficient or expeditious for conducting the research (based on compatibility, availability or the current capabilities of the Principal Investigator and staff) or meet the time requirements of the prime contract or grant award, or is mandated by scientific or technical requirements, or is at a cost below industry norms, or otherwise meets the statutory requirements of “necessary for the efficient or expeditious prosecution of a research project.” The specific criteria relied upon must be fully explained.

(b) Advance payments are required. If the vendor requires an advance payment and it is demonstrated that such payment is necessary to fund extensive start-up costs, realize discounts or cost savings, or create adequate cash flow in order to provide required goods or services, an exemption shall be requested. The Principal Investigator shall be responsible for determining that all goods, services or both, for which an advance payment has been made, are received and that they are satisfactory.

(4) Execution and Distribution:

(a)1. Submissions. If the request is for an exemption from competitive bid requirements, the Principal Investigator will submit the request for the sponsored research exemption to the Director of Sponsored Research, allowing sufficient time for adequate review of the request. The request shall be accompanied by a general requisition, the documentation listed above and any additional documentation which would serve to support the request.

2. Requests for other sponsored research exemptions shall be initiated by the Principal Investigator, the Director of Sponsored Research or other University personnel.

(b)1. Processing. The Director of Sponsored Research will review the request for a sponsored research exemption to determine if all of the required conditions have been met. The certification will be prepared by the Office of the Director of Sponsored Research, signed by the Director of Sponsored Research and forwarded to the University President.

1. Advice and counsel of the Director of Purchasing shall be sought prior to the granting of a sponsored research exemption. If after reviewing the materials provided by the Principal Investigator and the Division of Sponsored Research the Purchasing Department has any knowledge or information that would affect the granting of a sponsored research exemption, the Division of Sponsored Research shall be notified prior to the issuance of a purchase order. The Division of Sponsored Research shall send a copy of the approved Sponsored Research Exemption Certification and all other documentation to the Purchasing Department. Any purchase order issued under a sponsored research exemption will contain a written statement showing that a sponsored research exemption has been granted.

2. The Purchasing Department will forward a copy of the certification, along with a copy of the contract, purchase order or both, to the University’s Controller’s Office. The University Controller’s Office will forward a copy of the documents to the State Comptroller as an attachment to the voucher for the payment of the first invoice.

3. A copy of the Sponsored Research Exemption Certification and any supporting documentation will be maintained in the Division of Sponsored Research.

Specific Authority 240.227(1) FS. Law Implemented 240.241(9), (12) FS. History—New 12-11-94. Formerly 6C5-2.005.

