



UNIVERSITY OF MIAMI POLICY AND PROCEDURE MANUAL

TITLE: Purchasing and Contracting Authority

REFERENCE:

CATEGORY: Supply Chain Services

PAGE:

SUPERSEDES:

APPROVER: Phil Profeta

VERSION:

EFFECTIVE: May 2016

I. PURPOSE:

This policy establishes University requirements for review and execution of purchase agreements and contracts.

II. SCOPE:

III. POLICY:

The President, Senior Vice President for Business and Finance and CFO, the Vice President of Finance and Treasurer, and the Vice President for Real Estate and Facilities are authorized to execute contracts, agreements, purchase agreements and other instruments on behalf of the University, except for those matters which require approval of the Executive Committee of the Board of Trustees as follows:

Any annual contract, agreement or other instrument, except for those involving sponsored programs, which exceeds \$5,000,000 in full amount, or exceeds \$7.5 million during the term of the agreement require approval of the Executive Committee of the Board of Trustees.

The Senior Vice President for Business and Finance and CFO, the Vice President of Finance and Treasurer, and the Vice President for Real Estate and Facilities may, with the written authorization of the President, delegate to other University persons, the authority vested in them to sign contracts binding the University.

A list of individuals that have delegated authority to sign University purchase agreements and/or contracts is shown in (Attachment A) to this policy. No University personnel, other than those who have specific authorization, may sign any purchase agreements and/or contracts on behalf of the University.

Administrators who have delegated authority to execute purchase agreements and/or contracts must ensure that:

- The transaction conforms to all University policies and procedures
- There are no conflicts of interest among the parties to the transaction
- Liability to the University is minimized through an assessment of risk and insurance requirements

- The contract provides reasonable legal protection for the University

IV. **DEFINITIONS:**

Business Associate Agreement: An agreement that must be signed by any vendor that receives or distributes protected health information from the University, another Business Associate, or as part of an Organized Health Care Arrangement.

Contract: A written agreement covering a specific business transaction, which is executed by both parties and includes the appropriate exchange of consideration.

Delegation of Authority: Authority granted to individuals to purchase specific goods and services and/or execute contracts on behalf of the University as approved by the Sr. Vice President for Business and Finance and the President. (see Attachment A)

Fiduciary Care: Fiduciary care is the highest standard of legal and ethical care. Individuals with delegated authority are expected to act at all times in the best interest of the University. They must not profit personally from any transaction for which they are acting on behalf of the University.

Intelligent Content: Includes full text e-journals, indexing and abstracting services, search engines and/or software which is specific to or required to access databases, ejournals, etc., CD-ROM products, remote on-line services, access to world-wide-web and other internet information sources, data for application software required for library systems and other digital or electronic library products.

Purchase Agreement: A contractual agreement between the University and a seller containing terms and conditions for the acquisition of goods or services, which has been approved by the originating department.

V. **PROCEDURE:**

A. DEPARTMENTAL REVIEWS

Various categories of goods and services fall within the expertise and purview of specific University departments. Authorized signors must ensure that those offices have reviewed and approved purchase agreements and contracts prior to executing them.

- Treasurer: Bank account, banking relationship and financial agreements
- Controller: Contracts with an accounting and auditing firms
- Information Technology: Software, hardware and technology related services • Real Estate: Real estate and construction contracts and real estate leases
- University Advancement: Gift and fundraising contracts
- Research Administration or Sponsored Programs: Sponsored program contracts
- University Communications: Public relations firms and communication consultants.

- Human Resources or Faculty Affairs Office: Employment contracts

B. RISK MANAGEMENT AND GENERAL COUNSEL REVIEW

All contracts will require review by the Risk Management and General Counsel offices unless that review is specifically waived by those offices. Departments must obtain approval or a waiver from these offices prior to executing purchasing agreements and contracts.

The original executed agreement must be retained by the university department responsible for that type of document.

C. DOCUMENTATION

The original executed purchase agreement must be submitted to and retained by the University department responsible for that type of document. The following is a list of departments where original documentation is to be maintained.

- General Counsel: Contracts for legal services • Human Resources or Faculty Affairs Office: Employment contracts
- Real Estate: Real estate and construction contracts and real estate leases
- Research Administration or Sponsored Programs: Sponsored program contracts
- University Advancement: Gift and fundraising contracts
- Purchasing: Purchase agreements and orders for their respective Campus or Hospital Purchasing and all contracts not assigned to specific offices by this policy.

CONTRACT CHECKLIST AND SIGNATORY AUTHORIZATION FORM

- The Contract Checklist and Signatory Authorization form (see Attachment B) must be completed by the department submitting the contract to Purchasing.

PROCEDURE FOR GOODS AND SERVICES OTHER THAN CONSTRUCTION The following is the detailed procedure for managing contracts:

1. Requesting department identifies need for Goods and Services.
2. If Goods and Services are less than or equal to \$25,000, go to step 14.
3. If Goods and Services are over \$25,000, quotes or Request for Proposal is required per Policy BSJ-015.
4. Requesting Department obtains competitive quote from supplier.
5. Purchasing receives quotes and/or proposals and evaluates them with Requesting Department.
6. Purchasing, along with the requesting department, select the supplier candidate/finalist(s).
7. Purchasing, the requesting department, Risk Management, and General Counsel negotiate pricing and terms with supplier finalists.
8. Purchasing creates the supplier agreement.

9. Purchasing, the requesting department, Risk Management, and General Counsel Review Agreement/contract, terms and conditions, make comments and send it to the supplier for review.
10. Purchasing and the supplier negotiate terms and conditions.
11. Purchasing obtains internal UM signatures on agreement per BSJ-115.
12. If item must be reviewed by the Board, Purchasing prepares Board Item with Central Fiscal Office (Dean's Office for Medical; Division VP or Provost's Office for Gables/RSMAS)
13. Once item is presented and approved by the Board, the requesting department notifies the supplier of the award and asks the supplier to sign the contract.
14. Department Requisition process is initiated in UMeNet. Once the requisition has been approved, the Purchase Order is sent to the supplier. If the payment is over \$2,500, the item is entered into the Property Accounting system per B040, Equipment Capitalization policy, once the payment is made.
15. Purchasing scans the approved contract once the PO has been issued and sends contract to storage. If PO was issued via UMeNet, contract is stored in UMeNet.

PROCEDURE FOR NON – PROCUREMENT CONTRACTS

The following is the detailed procedure for managing contracts:


1. Requesting department identifies need for contract.
2. Purchasing, the requesting department and General Counsel reviews, amends and approves the contract.
3. General Council or department sends approved agreement to Contract Management.
4. Contract Management forwards the contract to Risk Management for approval.
5. Risk Management forwards approved contract to Contract Management.
6. Contract Management processes contract files in data base and sends copies to end user.



M E M O R A N D U M

January 9, 2017

TO: Individuals with Signature Authority Listed Below

FROM: Julio Frenk 

RE: Delegation of Contracting Approval and Signature Authority
Effective January 1, 2017

The Executive Committee of the Board of Trustees of the University of Miami adopted the following Resolution on December 17, 2013:

That the President and Senior Vice President for Business and Finance, shall have the authority to execute contracts, agreements, purchase orders and other instruments, including sponsored programs, which obligate the University except for those matters which require approval of the Executive Committee of the Board of Trustees as set forth in the following paragraph:

Any annual contract, agreement or other instrument, except for those involving sponsored programs, which exceeds \$10,000,000 in full amount, or exceeds \$15,000,000 during the term of the agreement.

The Senior Vice President for Business and Finance may, with the written authorization of the President, delegate to other University persons, the authority vested in them to sign contracts binding the University, except for those matters which require approval of the Executive Committee of the Board of Trustees.

That the President of the University and the Senior Vice President for Business and Finance are authorized to delegate to other University persons, the authority vested in them to execute grants and contracts documents for Sponsored Programs on behalf of the University.

The individuals listed below are hereby delegated authority to sign purchase orders and contracts not to exceed the limits below binding the University, subject to policy (BSF-

120) Contract Process and all other related University policies and procedures, except in those matters which require the approval of the Executive Committee of the Board of Trustees.

The individuals listed below may not delegate signature authority. Requests to delegate signature authority must be sent to the Senior Vice President for Business and Finance or the President for approval.

<u>TITLE/NAME</u>	<u>PURCHASE ORDERS</u>	<u>CONTRACTS</u>
Executive Vice President and Provost Tom LeBlanc	\$10,000,000	\$10,000,000
Interim SVP for Business and Finance & CFO David Ertel (11)	\$10,000,000	\$10,000,000
Vice President and Treasurer Geoffrey Kirles	\$10,000,000	\$10,000,000
Vice President for Real Estate and Facilities Larry Marbert ⁽¹⁾	\$10,000,000	\$10,000,000
Senior Vice President for Health Affairs and CEO of UHealth Steven Altschuler, M.D. ⁽²⁾	\$5,000,000	\$5,000,000
Associate Vice President & Chief Supply Chain Officer Phil Profeta	\$5,000,000	\$5,000,000
Assistant Vice President of Business Services Humberto Speziani	\$3,500,000	\$3,500,000
Assistant Vice President for Treasury Operations Charmel Maynard	n/a	\$3,500,000
Vice President and General Counsel Aileen M. Ugalde ⁽³⁾	n/a	\$5,000,000 (3)
Senior Vice President for University Advancement and External Affairs Sergio M. Gonzalez ⁽⁴⁾	n/a	(4)
Executive Director, Planned Giving Cynthia L. Beamish ⁽⁵⁾	n/a	(5)
Vice President of University Communications Jacqueline Menendez ⁽¹⁾	n/a	\$100,000
Asst. Vice President for Communication & Marketing Todd Ellenberg ⁽¹⁾	n/a	\$100,000
Vice President of Enrollment Management John Haller ⁽⁶⁾	n/a	\$10,000
Associate Vice President for Construction Richard Jones ⁽¹⁾	n/a	\$3,500,000
Assistant Vice President for Real Estate Brian Gitlin ⁽¹⁰⁾	n/a	\$250,000
Director of Intercollegiate Athletics Blake James ⁽¹⁾	n/a	\$1,000,000
Deputy Athletic Director Anthony Hernandez ⁽¹⁾	n/a	\$500,000
Director of Libraries Charles Eckman ⁽¹⁾	n/a	\$100,000
Law Library Sally Wise ⁽¹⁾	n/a	\$100,000
Executive Director of Purchasing		

Susan R. Montes	\$1,000,000	\$1,000,000
Executive Director of Value Analysis		
Sandra Myint	\$1,000,000	\$1,000,000
Director of Sourcing		
Amy Lopez	\$1,000,000	\$1,000,000
Director of Purchasing		
Ignacio Calle	\$500,000	\$500,000
Director of Purchasing		
Gilda Nunez-Perez	\$500,000	\$500,000
Manager of Sourcing		
Maita Beguiristain	\$500,000	\$500,000
Chief Strategy Officer and CFO, UHealth		
Dave Ertel ⁽²⁾	n/a	\$2,000,000
Associate Vice President for Financial Operations		
William Devoney ⁽²⁾	n/a	\$100,000
CFO, UMH		
Darryl Caulton ⁽²⁾	n/a	\$100,000
Chief Operating Officer, UHealth		
Think Tran, MD ⁽²⁾	n/a	\$100,000
Hospital Administrator, UMHC/SCCC		
Richard Ballard ⁽²⁾	n/a	\$100,000
Hospital Administrator, ABLEH/BPEI		
Michael Gittelman ⁽²⁾	n/a	\$100,000
CAO, Lennar Foundation Medical Center		
Ben Riestra ⁽²⁾	n/a	\$100,000
Director of HIPAA Privacy and Security		
Helenmarie Blake ⁽⁷⁾	n/a	\$250,000
Chief Innovation Officer		
Norma Sue Kenyon ⁽⁸⁾	n/a	\$1,000,000
Director of Intellectual Property Commercialization		
James O'Connell ⁽⁸⁾	n/a	\$250,000
Executive Director, LAORA		
Sam Salama ⁽⁹⁾	n/a	\$250,000
Senior Contract Analysts/Purchasing	\$250,000	\$250,000
Senior Buyers/Purchasing	\$250,000	\$250,000
Buyers, Purchasing	\$50,000	\$50,000
Assistant Buyers, Purchasing	\$10,000	n/a

- (1) These individuals only have authority to contract for specific commodities/services related to their specific area of responsibility.
- (2) UHealth related contracts.
- (3) Law firms, consultants and settlements.
- (4) Gift agreements as approved through General Counsel.
- (5) Bequests administration documents.
- (6) Hotel and conference facility use contracts only.
- (7) HIPAA Data Use Agreements and HIPAA Business Associate Agreements.

- (8) UM Innovation Contracts and Agreements, Confidentiality Agreements (CDA, NDA), Material Transfer Agreements (MTA), and related POA's with General Counsel approval.
- (9) Contracts related to LAORA/OPO as approved through General Counsel.
- (10) Real estate agreements and other real property instruments as approved through General Counsel.
- (11) Effective while functioning as interim SVP for Business and Finance.

The following individuals are authorized to sign grant and contract documents pertaining to Sponsored Programs on behalf of the University of Miami.

Executive Vice President and Provost – Tom LeBlanc

Vice Provost for Research – John Bixby

Associate Vice President for Research Administration – Barbara A. Cole

Executive Director of Research Administration – Jill Tincher

Executive Director of Research Administration – Edwin Bommel

The following officers' signatures make this memorandum the official notification of contract authorization and signature authority levels outlined herein. This memorandum is effective January 1, 2017 and will remain in effect until modified.



Dr. Julio Frenk
President

1/9/2017

Date

cc: Aileen Ugalde, Vice President/General Counsel
Blanca Malagon, Director/Audit & Advisory Services