



Office of Space Utilization & Analysis Policy & Procedure #7

TITLE: REAL PROPERTY LEASE PROCEDURES

OBJECTIVE AND PURPOSE: To establish procedures and provide guidance for leasing of real property.

DEFINITIONS: **LEASE:** Space secured for the University's use, where control of the space resides exclusively with the University.

REAL PROPERTY: Any building, structure, facility or property, either developed or undeveloped, that is not owned or held in trust for the University by an agency of the State of Florida.

- APPROVAL REQUIREMENT:**
- ◆ All leases with Florida Atlantic University as lessee, for more than one year shall require Board of Trustees approval.
 - ◆ Leases for more than 180 days but less than one (1) year require Presidents approval
 - ◆ Leases of more than 90 days but 180 days or less require Executive Committee approval, providing the lease is no greater than \$10,000 and is being funded by the requesting division or department. Otherwise President's approval is required.
 - ◆ Leases for 90 days or less require Cabinet approval, providing the lease is no greater than \$5,000 and is financed by the department. Otherwise Executive Committee approval is required.

RESPONSIBILITY

ACTION

- REQUESTOR**
- ◆ Notify the Office of Space Utilization & Analysis (OSUA) of desire to lease space at least 60 days prior to required lease finalization date (excluding build-out time if any). Notification at minimum should include the following:
 - a. Requestor Information (name, department, division, telephone # etc.)
 - b. Necessity for lease
 - c. Funding Source for Lease
 - d. Type of Space required (lab, office etc)
 - e. Approximate net square footage required
 - f. Term of Lease
 - g. Date space must be available
 - h. Evidence of applicable level approval

Issued By: J. Singer	Date Issued: 8/2003	Date Revised:	Effective Date: 8/2003
APPROVED:	Vice President	Associate V.P.	Director

- ◆ If lease will be for 2,000 square feet or more of space the competitive bid process will apply except where such leases:
 - a. Are renewals of existing leases
 - b. Have a term of less than 120 consecutive days
 - c. Are for nominal or no consideration
 - d. Are for the purpose of providing care and living space for persons
 - e. Are extensions of an existing lease of 2,000 square feet or more, provided that such extensions are in the best interest of the state and are not for a period exceeding 11 months.
 - f. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, the University shall solicit competitive bids, or
 - g. Are specialized educational facilities (excluding classrooms), if president certifies the facility is available from a single source and competitive bidding would be detrimental to the University.

OSUA

- ◆ Upon receipt of request determine that suitable space is not available in a state-owned building within the same geographic region and renting this space is in the best interest of the University.
- ◆ Advise both the Purchasing Department and the applicable member of the Executive Committee and the General Counsel, providing both a copy of the request and a contact name.
- ◆ Within 10 days of receipt of the request, schedule a meeting with the requestor, purchasing department and applicable lease committee member to review request, purchasing procedures, State guidelines, etc.
- ◆ The Lease Committee consists of the appropriate campus Vice President or their designee and additionally, includes representatives from the following areas:
 - a. Provost
 - b. Academic Affairs
 - c. Fiscal Affairs
 - d. V.P. Sponsored Research
 - e. V.P. University Advancement
 - f. V.P. University Architect

PURCHASING DEPARTMENT

- ◆ Prepare an Invitation to Bid/Request for Proposal document, if required, and submit draft copy to OSUA. If not required skip to following OSUA/Purchasing Department Action.

OSUA

- ◆ Distribute draft copy of Invitation to Bid/Request for Proposal to the Associate Vice President to the University Architect, Environmental Health and Safety, Facilities Planning and Physical Plant for review/comments. If not required, skip to next OSUA action.
- ◆ Receive review comments, if any, and meet with Purchasing for inclusion in Invitation to Bid/Request for Proposal document.

PURCHASING DEPARTMENT

- ◆ Once Bids/RFP's are received and evaluated advise OSUA of Low Bidder.

OSUA

- ◆ Advise Facilities Planning of property to be leased and provide contact name/phone number for proposed property.

FACILITIES PLANNING

- ◆ Arrange for a property inspection. Provide a Property Inspection Report to OSUA and the Purchasing Department.

OSUA/PURCHASING DEPARTMENT

- ◆ Review Property inspection report. If as a result of the property inspection the property is deemed by the University to be undesirable, repeat property report process with the second low bidder (if bid process is used), continuing until an acceptable property is encountered.

- OSUA** ♦ Advise Facilities Planning if build-out is required, via Minor Project Request Form, for assignment of a project manager.
- PURCHASING** ♦ Prepare an FAU Lease Agreement, or obtain vendors lease agreement form, and submit draft of lease to OSUA for review. Include corrective work, if any, resulting from the property inspection.
- OSUA** ♦ Distribute draft copy of FAU Lease Agreement to the Associate Vice President to the University Architect, Environmental Health and Safety, Facilities Planning and Physical Plant, for review/comments.
♦ Provide review comments to Purchasing Department for inclusion in lease document.
- PURCHASING DEPARTMENT** ♦ Incorporate review comments, if any, and forward to general counsel for review and approval.
- Upon receipt from general counsel incorporate review comments, if any, and execute lease agreement.
- REFERENCES** ♦ FAU Purchasing Manual
♦ Section 255.25, 1001.74, 1013.15, 1013.171, F.S.
Florida Administrative Code Section 6C5-6.010