

Policy Sections:

- Purpose
- Definitions
- Responsibility
- Procedure
- Documentation
- References
- Templates/Forms
- History
- Signature

Effective Date: July 31, 2012

Revision History: Noted Below

Responsible University Officer: Office of Research Administration (ORA)

Responsible Offices: Office of Research Administration (ORA)

Purpose

University of Miami (UM) offices and departments are often in need of importing and exporting supplies and equipment in support of the University's global research and teaching activities. Such supplies and equipment may be subject to U.S. export control laws and regulations. The University is committed to compliance with applicable laws and regulations pertaining to exports of items, services, and technology and technical data by or on behalf of UM. This policy applies both to tangible exports for which the ultimate destination is outside the United States borders, as well as "deemed exports" to foreign nationals within the United States. All purchases for which items may be subject to export controls must be cleared and approved for purchase by the University's Director, Export Control Compliance before acquisition or transfer is made. Other University offices, such as the [General Counsel](#) and [Environmental Health & Safety \(EHS\)](#), may also need to be included in the approval process before the purchase requisition can be completed.

This SOP outlines the procedures that the ORA Export Control Compliance office will follow to review and approve purchase requisitions for which items may be subject to export control laws and regulations, as well as outline or reference the documentation or steps that may be needed by other University offices and/or departments.

Definitions

COTS	Commercial Off The Shelf. A non-developmental item of supply that is both commercial and sold in substantial quantities in the commercial marketplace. They are alternatives to in-house developments or one-off government-funded developments.
Deemed Export	An export of technology or source code is "deemed" to take place when it is released to a foreign national within the United States. Such items are "released" for export when they are made available to foreign nationals for visual inspection (such as reading technical specifications, plans, blueprints, etc.); when technology is exchanged orally; or when technology is made available by practice or application under the guidance of persons with knowledge of the technology.
Dual-Use	Items that can be used both in military or other strategic uses as well as in civil applications.
EAR	Export Administration Regulations. Managed by the Bureau of Industry and Security (BIS) under the U.S. Department of Commerce (DoC). EAR is a set of U.S. government regulations that, among other things, provide specific instructions on the use and types of export licenses required for certain commodities, software, and technology.
Foreign National	Any person who is not a United States citizen, lawful permanent resident of the United States, or individual who has been granted asylum in the U.S.; any foreign corporation, society or any other entity or group that is not incorporated or organized to do business in the U.S.; or any foreign government.
Items	Include commodities, software, technology, and technology data. They can have commercial and/or military applications.
Technology Data	May take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals, and instructions written or recorded on other media or devices (such as disk, tape, or read-only memories).
Technology	Any specific information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, manuals, and software, or in intangible form, such as training or technical services) that are required for the development, production, or use of a good, but not the good itself.

Use	Operation, installation (including on-site installation), maintenance (including checking), repair, overhaul and/or refurbishing.
U.S. Person	Any individual who is a citizen of the United States, a permanent resident alien of the United States. Any juridical person (corporation, association, etc.), including foreign branches, organized under the laws of the United States or any jurisdiction within the United States.

Responsibility

Associate V.P. for Research	The University's Empowered Official for export compliance issues. Only the Empowered Official has the authority to sign paperwork which binds the University in any proceeding before DDTC, BIS, OFAC or any other government agency with export control responsibilities.
Office of Research Administration	Under the leadership of the Office of Research Administration. Works in collaboration with the General Counsel's office and is responsible for oversight of the University's export compliance program.
Director, Export Control Compliance	The Director of Export Control Compliance has the authority and responsibility for managing the University's export control compliance program and is also an empowered official.
Requestor	The University office or department that is submitting a purchase requisition and will be held as the responsible entity
Vendor	An entity that has been vetted and approved by the University of Miami Purchasing Department to provide supplies and/or services to the University.

Procedure

This SOP applies to items that are high-technology commercial items, military-grade, or Dual-Use items. Items being procured that are low-technology or COTS would not require review by the Director, Export Control Compliance. Please view [Appendix C](#) for examples of these items.

The requestor will submit to the Purchasing department the requisition for the items needed via ARIBA ([UMeNET](#)). Paper requisitions are accepted under certain conditions. However, University departments and offices are encouraged to use ARIBA for a more expeditious process. The following documents are to be included with submission of the purchase requisition, when applicable:

- ✓ Quotation / Purchase Agreement
- ✓ Executed Contract / Agreement (*reviewed and approved by the General Counsel's office, where applicable*)
- ✓ Justification Form
- ✓ Non-Availability of Equipment Form
- ✓ Any other forms as required by the Purchasing Department

Once the Purchasing department has received all required documentation from the requestor, they will submit to the vendor form **EXPORT-F-002** for completion. Once this form is returned, Purchasing will review the form for completeness.¹ If any of the fields are not completed accurately or are left blank, the form will be returned to the vendor for correction and resubmission. The Director, Export Control Compliance will gladly assist any vendor needing guidance on completing the form. The form will then be attached to the requisition. It is perfectly acceptable for the requesting department to request the vendor to complete form **EXPORT-F-002** when obtaining a quote prior to submitting the purchase requisition.

The Purchasing Department will forward all documentation for review to the Director, Export Control Compliance either via e-Mail or by adding as an approver in the ARIBA (UMeNET) system. The Director, Export Control Compliance then reviews and investigates how the items are subject to U.S. export control laws and regulations based on the information provided on form EXPORT-F-002 and other supporting documentation.

During the review and investigation process, the Director, Export Control Compliance may contact the vendor for clarification on the characteristics and classification of the item(s) or technology. In addition, the department submitting the requisition may also be contacted for further clarification on use of the item and the environment in which it will be utilized as well as to verify persons who will use the item(s) being procured.

¹ See Appendix A.

If foreign nationals will use the item(s) or there is a risk of a controlled item being 'released'² to such persons, the requesting department will need to complete Office of Research Administration form **EXPORT-F-003** for restricted party screening purposes.³ Depending on the results of the restricted party screening and the export control classification of the item(s), further action may be required in order to comply with U.S. export control regulations.

Once the purchase has been cleared and approved for purchase, the Director, Export Control Compliance will send approval to the Purchasing Department. Additionally, the Director, Export Control Compliance will send biweekly reports of pending purchase requisitions received via e-Mail to the Purchasing Department for review.

Records retention: The official record is maintained with the requesting office that is responsible for processing purchase requests per the policy for that office.

Documentation

[Office of Research Administration Export Control Compliance Policies and Forms](#)
[University of Miami Purchasing Policies](#)

References

Office of the Vice Provost for Research:

VPR-P-001 "Disciplinary / Professional Conduct in the Course of Compliance"

[University of Miami Export Control Policy](#)
[University of Miami Export Control Handbook](#)
[University of Miami General Counsel's Office](#)

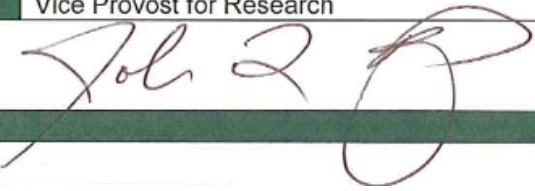
Templates / Forms

[Office of Research Administration Export Control Compliance Policies and Forms](#)
 EXPORT-F-002: "Supplier's Export Classification Certification Form"
 EXPORT-F-003: "End-User Disclosure Form"

History

Description	Date	Author
SOP created and became effective	2012-July-31	Epley, Wendy
SOP updated to reflect department name change, remove watermark and update hyperlinks.	2012-Nov-08	Epley, Wendy
SOP update to reflect department name change and new website.	2016-Oct-27	Perrin-Steinberg, Michelle

Signature

Print Name:	John L. Bixby, Ph.D.	
Title:	Vice Provost for Research	
Signature		Date
		11/9/12

² Refer to definition for Deemed Export above.

³ See Appendix B.

Appendix A

Checking the Product Classification Certification form for completeness.

When form EXPORT-F-002 (*Product Classification Certification*) is returned from the vendor to the Buyer in the Purchasing Department, the Buyer or other responsible agent within the Purchasing department is to review the form to ensure all the fields are completed and information is valid.

All fields should be completed electronically to ensure legibility of information. The only exception will be the signature of the company representative. The signature can be penned, or an Adobe certified digital signature.



Product Classification Certification

Please read the following in its entirety before completing the form

The University of Miami is requesting that you, the vendor/manufacture of the item(s) being procured, please supply the export classification as it pertains to the appropriate regulation (EAR/ITAR) of each item on the invoice. Per 15 CFR 738.3, it is the responsibility of the manufacturer or supplier, not the buyer or freight forwarder, to identify the export classification of items being procured. This is because neither is in a position to understand the technical assessment of the item(s) and/or the original design intent (ODI) in order to determine the correct classifications. Please note that the University of Miami is not asking your company to apply for an ECN or license, we are simply asking you to identify the level of control associated with the product(s) you are selling, even if the item falls into the bucket designation of "EAR99", so that we may appropriately adhere to U.S. laws and regulations. If your organization is outside of the US, you may use the Wassenaar Arrangement guide for identifying the classification.

If your organization does not have export classification determinations within your product management system, the U.S. Department of Commerce has an online decision tool available to assist you called the "CCL Order of Review" (<http://www.bis.doc.gov/index.php/decision-tree-tools>). You may also contact a BIS Export Counselor at (202)482-4811 for guidance in determining your product's export control classification number.

We are also requesting that in addition to the export classification, the U.S. Harmonized Tariff Schedule (US-HTS) is provided. You may find an online resource called HTS Code to be of some assistance (<http://www.htscode.org>). Used in conjunction with the U.S. International Trade Commission's official HTS (<http://www.usitc.gov/>), you will be able to identify the complete 10-digit code easily.

The University of Miami's Director, Export Control Compliance is available to answer questions you may have and can be reached at exportcontrol@miami.edu or by phone at (305)284-9558. You may also visit the University's Export Control Compliance website at <http://www.miami.edu/ora> for additional guidance.

Please complete the form for all products that are being procured under the same requisition. You may attach an Excel spreadsheet if there are numerous items. This form is to be completed and returned to the University of Miami, together with supporting information (including a copy of approved export license(s), where applicable).

The vendor / manufacturer of the item(s) being procured are encouraged to read the text in order to fully understand what is being requested and why. Hyperlinks have been embedded to provide additional resources in understanding how the items are subject to export controls laws and regulations.

This form may require the assistance of the vendor/manufacturer legal department if the sales department does not have product classification information within the product specifications.

Please fill in the fields electronically for legibility

Company Name:	
Street Address:	
City, State, Zip Code:	Country
Website Address:	

All fields are to be completed.

PLEASE ANSWER: Will any of the funds your organization receives from the University of Miami for the purchase of the item(s) noted below be paid to a company or individual who is a national or resident listed on the U.S. Office of Foreign Assets Control ("OFAC") list of sanctioned countries* (which includes, but may not be limited to Sudan, Syria, Iran, Cuba, and North Korea), for which export is restricted or otherwise prohibited? Yes No

If "YES", please identify the country(ies) that will receive the funds: _____

Either the 'YES' or 'NO' box must be checked. If 'YES' then the box below must be completed.

*Please note that "N/A", "None" or anything other than the 5-digit alphanumeric for EAR or Roman numeral sequence for ITAR is not an acceptable classification. If your product does not appear on the Commerce Control List, it is still controlled under the EAR and may fall into the bucket designation of EAR99. Please supply all 10-digits of the US HTS Code strand.

Supplier Part / Catalogue Number	Detailed Description of Product (Please note if the item is Software or Technical Data) Attach Spec Sheet when possible	EAR or ITAR Classification Number	Harmonized Tariff Schedule (US-HTS)	Country of Origin
<i>DO NOT DUPLICATE. This shaded area displays examples for reference only in completing form. DO NOT DUPLICATE.</i>				
ITEM 01-1438	EAR Example: Student Accounting Software, version 30.2	5A192	224.56.7890	USA
ITEM 02-7890	ITAR Example: Sonar-imaging Device	XX(d)	9875.54.3210	USA
<input type="checkbox"/> Check the box on the left only if this statement is TRUE: "Our organization is not registered in the United States and thus is unfamiliar with the United States Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR). We have supplied export control classifications as they pertain to our country."				

All items that are being procured should be listed. All items should have either a **Roman Numeral or 5-digit alphanumeric sequence** for the 3rd column. "N/A" or "NLR" are not acceptable classifications.

I hereby certify that the information provided herein is accurate and complete to the best of my knowledge. A representative of the company will inform the University of Miami immediately of any subsequent changes to the information that has been provided.

Signature of Company Representative:	Date:
Representative Name:	Title:
Representative Phone:	eMail:

A digital signature is preferred in order to streamline the process, but a scan copy of the form with ink signature is also acceptable. Contact information must be completed. All contact information is to be filled in.

Appendix B

Completing the **End-User Disclosure Form**.

Form **EXPORT-F-003** (*End-User Disclosure Form*) is used to conduct restricted party screening on persons / entities that will have access to technologies or technical data that is considered confidential, proprietary, or export controlled.

End-User Disclosure

This form is to be completed by the Principal Investigator (PI) or responsible department contact.

Date: _____ Department: _____
 Campus: Select _____ Campus Locator: _____
 PI or Dept. Contact Name: _____ Phone Number: _____
 E-Mail Address: _____
 Name of Department Chair, Dean or VCA: _____

Please answer ALL of the following questions:

1	Please describe the item(s) being procured and/or project:	_____
2	Will any portion of this project take place outside United States borders? (e.g. on foreign soil, in international waters, space, collaborations, consulting)	_____
2a	If Yes, which country(ies) / territory(ies) will the item(s) enter into?	_____
3	Are you aware of how the project and/or the items are affected by the EAR or ITAR ?	_____
4	Do you currently have a Technology Control Plan in place for the project and/or item(s) noted above?	_____ If Yes, please send copy to exportcontrol@miami.edu

Please list all foreign persons who will use the items referenced:

Name of Foreign End-User (as it appears on their passport)	Citizenship	Work Location (List Country)	UM Employee (Yes / No)

I certify that I have answered the questions above truthfully and to the best of my ability. I understand that these individuals/entities must first undergo a restricted party screening and be cleared by the Director, Export Control Compliance before export controlled technologies or other sensitive items can be released.

Signature: _____ Date: _____
PI / Department Contact Signature **Date**

For Use By The Export Control Compliance Staff

Approved
 Export License Required
Approval from department Chair, Dean, or VCA must be obtained to begin license application process.

Signature: _____ Date: _____
Michelle Perrin-Steinberg - Director, Export Control Compliance **Date**

Comments /Notes: _____

EUD Control # _____

The PI or responsible department contact should complete this form and sign.

All questions are basic and do not require any knowledge of export control laws and regulations.

All fields for each end-user identified are to be completed with no blanks left.

A penned signature or digital signature is acceptable.

This section will be completed by the University's Director, Export Control Compliance following the results of the RPS conducted.

Appendix C

The lists of items below are examples of items that would or would not require a review by the University's Director, Export Control Compliance. This list is not inclusive and merely serves as a guide.

Items that WOULD require a review by the Director, Export Control Compliance	Items that WOULD NOT require a review by the Director, Export Control Compliance
Biological select agents and toxins, pathogens, viruses	AED, Automated External Defibrillator
Cryogenic Devices	Ablation devices and accessories, radio frequency
High Performance Computers	Animal Cages
High-Technology Communication Devices	Autoclaves
Inertial or Navigation Technologies	Blood management machines, auto transfusion
Lasers – DLIs, DF-CO2, Ion, Electron, etc.	Capnograph
Lenses – for radiation hardened TV cameras,	Catheters – all types
Marine Technologies	External storage devices that do not have encryption technologies embedded into the hardware
Network Analyzers	Flow cytometry accessories, reagents and components
Radar – tracking, airborne, altimeters, antennae, Inverse Synthetic Aperture (ISAR), laser, optical	Incubators
Robots	Manikin, medical training
Sensors - Angular rate, monospectral imaging, optical, direction finding, quartz, etc.	Medical supplies such as vaccines, bandages, gauze, needles, PPE, disinfectants, OTC medicines, etc.
Software that includes Source Code or Encryption technologies	Monitors – multiparameter, cardiac, cardiopulmonary oxygenation systems, all patient types
Transistors – microwave, test equipment, S-parameter measurement	Office Supplies
Two dimensional focal plan arrays	Ophthalmology instruments (keratotome, retractors, speculums, etc.)
Unmanned Aerial Vehicles (UAVs) – associated equipment, systems, & components	Parts and accessories for medical imaging devices (e.g., x-ray, ultrasound, CT or MRI scanners) that DO NOT contain nuclear or chemical compounds
Unmanned submersible vehicles – tethered and untethered	Refrigerators – compartmental for morgues, standard commercial or residential grade.
Uranium – natural or depleted, compounds & powders, titanium alloys, vapor products & tails collector systems, isotopes separation, lasers or laser systems, equipment & components	Renewal of service agreements or subscriptions
Ventilated full or have (protective clothing) suits	Service agreements or subscriptions
Vessels – marine, positioning systems, austenitic stainless steel, marine systems or equipment	Surgical instruments with no electronic components
Waveform digitizers	Ultrasound machines and accessories
Welders – MIG, E-beam, laser machines	Ventilators – adult or infant/pediatric
Wind tunnel aero-model technology	
Windows – glass for nuclear radiation shielding	
X-ray equipment – converters, generators, non-planar inspection equipment, projection image transfer	

For a more detailed listing of items that are controlled under the Export Administration Regulations, please refer to the [Commerce Control List](#). For items that are controlled under the International Traffic in Arms Regulations, please refer to the [U.S. Munitions List](#).