

Third Party Design, Construction and Operations on FIU Campuses

**OFFICE OF BUSINESS SERVICES
11200 SW 8TH Street Miami, FL 33199**

Modesto Maidique Campus Building DC-125

<https://shop.fiu.edu/about/>

The Office of Business Services oversees all revenue-generating dining, retail and other services provided to students, faculty, and staff (“FIU Community”) on FIU campuses. Any party interested in licensing space from FIU or providing services to the FIU Community should contact the Office of Business Services. Any retail services operating on campus must be contracted directly with FIU and abide by all contract exclusivities and regulatory/policy restrictions and requirements.

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FIU has existing partnerships with a variety of vendors. We value these relationships and strive to be good business partners. As such, following are businesses and operations with existing contracts at FIU. The offering or sale of any of the products or services provided by any of these contractors is not permitted at FIU. Further, the promotion or marketing, including the offering of FIU discount programs, of any business or service like these, or in competition with any of these, is not permitted at FIU.

- **Food and Dining Services**

FIU has an exclusive contract with Chartwells, a division of Compass Group USA, Inc. to provide Food Services at FIU. This agreement precludes any group at FIU from providing or contracting with another vendor to provide food for sale on the FIU campuses. FIU does not allow the promotion of other off-campus food retailers within a five-mile radius that may compete with on-campus food vendors. This restriction also includes the promotion and/or offering of a discount program by FIU for food vendors operating within a ten-mile radius from campus.

- **Beverage Vending and Pouring Rights**

FIU has an exclusive beverage rights contract with The Pepsi Bottling Group. This agreement covers the sale, promotion, marketing, and give-away of Core Beverages, as defined below, on any FIU campus.

Core Beverages: carbonated and non-carbonated non-alcoholic beverages including soft drinks, 100% shelf-stable fruit juices (e.g., Dole and Ocean Spray)

and juice drinks (less than 100% fruit juice), sports drinks, pre-packaged value-added protein drinks (e.g., Muscle Milk), energy drinks, ready-to-drink tea, ready-to-drink coffee products, coconut water-based drinks, milk-based drinks which contain less than 50% milk, packaged water, enhanced water, and flavored water.

Further, only Pepsi is allowed to represent that Pepsi, or any of Pepsi's Core Beverages, is "the beverage sponsor of FIU", "the exclusive drink of FIU", "a proud sponsor of FIU", "the official drink of FIU", or will be permitted by FIU to use any other similar phrases or representations.

- **Snack Vending Services**

FIU has an exclusive agreement for snack vending rights with Right Choice Vending/Coffee, LLC. This agreement precludes any other vendor from selling Snack and Alternative Products (i.e., pre-packaged ambient temperature products to include baked or fried salty snacks, cookies, pastry, cracker sandwiches, chocolate confection, candy, nuts, health bars, breakfast bars, nutritional bars, energy bars, popcorn, and cold and frozen food products to include meat products, cold sandwiches, hand-held edibles, salads, entrées, soup, cold plates, fruit, vegetables, ice cream and ice cream novelties) through Snack Vending Machines on any FIU Campus.

- **Catering Services**

FIU has preferred caterers under contract capable of providing a wide range of services, food options and price points. Catering services are defined as the business of providing foodservice (including alcoholic beverages, as applicable) for groups on FIU Campuses. Catering Services does not include catering functions held at venues outside of FIU Campuses (e.g., hotels, banquet halls, etc.). Catering services paid for with university funds must use a caterer under contract with the university. This includes caterers on the preferred caterers list or catering services managed by the on-campus food service provider, Chartwells. FIU does not allow the promotion, university endorsement, direct marketing or solicitation of other catering retailers that may compete with the list of preferred caterers.

- **Bookstore Operation and Emblematic Merchandise Sales**

FIU has an exclusive agreement with Barnes & Noble College to be the "on campus" retail buyer/seller of: all required, recommended or suggested materials, including books delivered in all formats and materials published/distributed electronically via LMS, sold over the Internet/via hosted e-commerce links; other items typically sold in college bookstores, such as trade books, notebooks, gift items, educational accessories, class/graduation rings/jewelry, clothing including items bearing FIU logo/other identifying mark. Further, FIU shall not contract with any 3rd party offering the type of services

provided in this Agreement whether on/off campus, via e-commerce sites, alternate sources hyperlinks, or otherwise FIU endorsed/ supported platforms.

- **Retail and Services**

FIU has agreements in place with all the following business partners for the on-campus services detailed below. The provision of similar or competing services by another vendor is not permitted. Further, the marketing and promotion of similar or competing vendors is not permitted at FIU.

- Campus Chiropractor – chiropractic services
- College Optical – optometrist and retail eyewear
- The Commencement Group – exclusive license for the sale of floral goods during graduation/commencement activities
- First Vehicle Services – lube and basic auto services
- Gabor – financial and retirement services
- Golden Touch Barber Shop – barber shop services
- GT Eco Car Wash, LLC – car wash and auto detailing services
- Iconic Group d/b/a GradImages – graduation photography services
- MSS Media – outdoor advertising systems on bus shelters
- Panther Tech – IT and IT peripheral sales and services
- Pharmabox – vending services for over the counter pharmaceutical and hygiene products
- Ricoh USA, Inc. - student print and on-campus business and copy center
- University Credit Union – credit union banking services
- Wayki Hair and Nail Salon – hair and nail salon services
- Wells Fargo Bank, N.A. – exclusive right to operate retail banking services and integrate with the FIU One Card

Contract Exclusivities

Exhibit A

PARTY	RESTRICTED ACTIVITIES
CHARTWELLS / COMPASS GROUP USA - EXCLUSIVE RE FOOD SERVICES	Umbrella Agreement (2018): Exclusive right to manage/operate Dining Services Program at FIU Campuses (Residential Dining Program / Retail Dining / Convenience Store Services); Exclusive Rights to manage & operate Residential Services, Existing Retail Dining & Convenience Store Services and Athletic Concessions at the Premises
BARNES & NOBLE COLLEGE BOOKSELLERS, LLC - EXCLUSIVE RE EDUCATIONAL MATERIALS & EMBLEMATIC MERCHANDISE	<p>Agreement (2021): EXCLUSIVITY</p> <p>(a) Exclusive "on campus" retail buyer/seller of all required, recommended or suggested materials, including books delivered in all formats and materials published/distributed electronically via LMS, sold over the Internet/via hosted e-commerce links</p> <p>(b) Exclusive agent to accept all campus debit card and financial aid transactions for course materials and emblematic merchandise</p> <p>(c) Exclusive retail "on-campus" of other items typically sold in college bookstores, such as books not described in (a) above, notebooks, gift items, educational accessories, class/graduation rings/jewelry, clothing including items bearing FIU logo/other identifying mark</p> <p>(d) FIU shall not contract with any 3rd party offering the type of services provided in this Agreement whether on/off campus, via e-commerce sites, alternate sources hyperlinks, or otherwise FIU endorsed/ supported</p> <p>(e) Exclusive agent for sale/rental of graduation caps/gowns and commencement invitations</p> <p>(f) Exclusive retail (e-commerce) entity for course materials/emblematic merchandise</p> <p>(g) Exclusive provider of FIU custom publishing services including developing faculty member course pack, securing copyright clearances, course pack printing/binding & distribution/sale in Bookstore</p> <p>(h) FIU will not accept advertising, permit tabling/other promotional activities by any seller of college course materials other than the Bookstore at any event located on the FIU campus/sponsored by FIU</p> <p>(i) Exclusive Internet seller via True Spirit program of all FIU Alumni Department merchandise bearing the FIU emblem, logo, insignia or other identifying mark</p> <p>(j) Exclusive Internet seller of all FIU Athletic Department merchandise bearing the FIU athletic emblem, logo, insignia or other identifying athletic mark</p>
GT ECO CAR WASH, LLC - EXCLUSIVE Exception: FIU may permit similar services on FIU campuses by FIU student, faculty and/or academic groups or other organizations	License Agreement (2016): Car wash and auto detailing service, including mobile services, on FIU campuses
HERFF JONES - EXCLUSIVE RE REGALIA	License Agreement (2015): Exclusive supplier of FIU class rings and any commencement merchandise such as caps, gowns, announcement and frames. (This excludes custom regalia)
ICONIC GROUP d/b/a GRADIMAGES - EXCLUSIVE RE GRADUATION PHOTOGRAPHY SERVICES	Independent Contractor Agreement – Photography Services (2020): Exclusive right to capture image/photographs of FIU graduates during graduation and commencement for the purpose of marketing to FIU graduates
MSS MEDIA - EXCLUSIVE RE BUS SHELTER ADVERTISING	Agreement (2020): 1) Exclusive right to install/operate outdoor Advertising System on MMC/BBC Bus Shelters; 2) Exclusive right to market/display/manage Advertising Content for Advertising System, subject to prior FIU approval
RICOH USA, INC - EXCLUSIVE RE RETAIL SHIPPING/POSTAL/BUSINESS SERVICE CENTER	License Agreement (2012): Exclusive retail shipping, postal and business service center on FIU Campuses; FIU cannot permit another retail shipping, postal and business service center on FIU Campuses.
RICOH USA, INC - EXCLUSIVE RE STUDENT PRINTING (via Addendum #1 of the Ricoh License Agreement)	Exclusive student printing services on FIU Campuses (2014 Addendum #1); FIU cannot permit another vendor or operator to offer student print solutions on FIU Campuses.
RIGHT CHOICE VENDING - EXCLUSIVE RE SNACK VENDING RIGHTS	Contract (2010): Exclusive snack vending rights contract for of snack and alternative products through Snack Vending Machines on FIU Campuses; FIU cannot permit any other snack and alternative vending machines to be placed on FIU Campuses.
PEPSI / BOTTLING GROUP, LLC - EXCLUSIVE RE BEVERAGE, VENDING, POURING & MARKETING RIGHTS	<p>Exclusive Beverage, Sale & Sponsorship Agreement (2020): 1) PEPSI holds exclusive Marketing & Pouring Rights in FIU Campuses and 2) PEPSI exclusive provider of Core Beverages in Vending Machines on FIU Campuses</p> <p>PEPSI Exclusivity Exceptions: a) Any products sold, promoted or marketed by third parties at the annual South Beach Wine and Food Festival / North Miami BrewFest; b) Sale, promotion or marketing of products non-Customer events held at Cal Kovens conference Center on BBC, provided Core Beverages will be used unless otherwise requested by customer/event promoter; c) Limited promotion/marketing of beverages at FIU's Riccardo Silva Stadium during Miami Football Club event (or successor soccer team owned directly/indirectly by Riccardo Silva) ("Miami FC") and Miami FC is required pursuant to a written contract to promote/market Major Bottler or beverage company/supplier at the event. In such event Miami FC permitted to hang temporary signage featuring their products, promote and market other Major Bottlers in connection with the event. For avoidance of doubt, under no circumstances will Competitive Products be made available or offered for sale; d) Limited sale of regional/local brands not part of Pepsi brand (e.g. Materva/Ting) at specific dining retailers on campus (e.g. Vicky Café) as long as Pepsi does not offer a Competitive Product and each such product is subject to Pepsi's written approval. These dining retailers will be required to offer Pepsi-brand beverages as well as any approved ethnic beverages.</p>
THE COMMENCEMENT GROUP - EXCLUSIVE RE FLORAL GOODS SALES	Premise-Use Agreement (2020): Exclusive license to sell floral goods during graduation/commencement activities hosted by FIU
WELLS FARGO BANK, N.A. - EXCLUSIVE RE FIU ONE CARD	License Agreement (2011): Exclusive right to integrate banking services with FIU One Card NOTE: No exclusivity granted for On-Campus Banking / ATM Locations