

## 12.0 DEFINITIONS

The terms defined in this section shall have the following meanings whenever they appear in these rules, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular section or portion thereof.

**Acceptable**, with regard to a *bid* or *proposal*, means an offer submitted by any person in response to a *solicitation* issued by the School that is in compliance with the *solicitation* terms and conditions and within the requirements of the *specifications* described and required therein.

**Adequate competition** exists if a *documented quote*, *competitive sealed bid* or *competitive sealed proposal* has been conducted and at least two *responsible* and *responsive* offerors have independently competed to provide the School's needed *goods* or *services*. If the foregoing conditions are met, price competition shall be presumed to be "adequate" unless the *purchasing agent* determines, in writing, that such competition is not adequate.

**Advantageous** means an assessment of what is in the School's best interests.

An **after-the-fact** ("**ATF**") purchase occurs when a department makes a purchase for more than \$4,501 before the Office of Business Operations issues a purchase order. For example, authorizing a vendor to begin work before the Office of Business Operations issues a purchase order, even though the department has submitted a purchase requisition, is an *ATF*. Similarly, obtaining *goods* or *services* on credit and subsequently submitting the invoice with a payment voucher is an *ATF* unless it is a purchase specifically allowed to be paid by payment voucher as set forth on the voucher document.

**Alternative** means a choice of a different *good* or *Service* that meets or exceeds the functional requirements of the base *bid*.

**Award** means the acceptance of a *bid* or *proposal* by issuance of a purchase order and may include the execution of a written agreement to cover performance by the vendor.

**Base Bid** means the minimum functional requirements of the *good* or *Service*.

**Best value** means the lowest overall cost to the School after taking into consideration costs, benefits, and savings.

**Bid** means a response from a vendor to an invitation for a bid (*IFB*).

**Brand name specification** means a *specification* limited to one or more *goods* or *services* by manufacturer's names or catalogue numbers.

**Brand name or equal specification** means a *specification* that uses one or more Manufacturer's names or catalogue numbers to describe the standard of quality, performance, and/or other characteristics needed to meet School requirements, and which provides for the submission of equivalent *goods* or *services*.

**Business** means any corporation, limited liability company, partnership, individual, sole proprietorship, joint-stock company, joint venture, or other private legal entity.

**Competitive negotiation** means the process of discussion and issue resolution between a *purchasing agent* and a prospective vendor in order to arrange for the providing of a *good* or *Service* needed by the School. If more than one vendor is available for such negotiation, the needs of the School must be clearly defined in advance of any negotiations, via a *specification* that details fully the School's intended *procurement*.

**Competitive reverse auction** means a computer aided bidding process through which a pre-established group of vendors may post *bids* for a defined period of time and may change their *bids* as desired during the bidding period.

**Contract** means any type of School agreement, regardless of what it may be called, for the *procurement* or disposal of *goods* or *services*, and includes purchase orders.

**Contractor** means any entity that has a contractual relationship with the School for the provision of *goods* or *services* as allowed for under these rules.

**Construction** means the process of building, altering, repairing, improving, or demolishing any public structure or building or any other public improvements of any kind to any public real property. For the purposes of this code, "*construction*" includes capital *construction* and controlled maintenance, as defined in C.R.S. § 24-30-1301.

**Cost-reimbursement contract** means a *contract* under which a *contractor* is reimbursed for costs that are allowable and allocable in accordance with the *contract* terms.

**C.R.S.** means Colorado Revised Statutes.

**Determination** means a written *procurement* decision made by the Director of Procurement Services, or his or her delegee, which is based on sufficient facts, circumstances and reasoning to substantiate the decision. Each *determination* shall be filed in the appropriate Purchasing Department file.

**Documented quote ("DQ")** means a process of soliciting informally for fulfilling the School's need for specific *goods* or *services* and receiving and evaluating vendor responses. The dollar limits for use of *documented quotations* shall be as stated in the section on small purchases and shall be conducted only by a *purchasing agent*.

**Enhancement** means components, *services*, or products that exceed the minimum functional requirements and would improve the quality of the *goods* or *services* being procured by the School.

**Field purchase orders ("FPO")** Pre-printed purchase orders not to exceed \$1,000.00 that may be obtained from Shipping and Receiving.

**Good** means all property, whether tangible or intangible, provided by a *contractor*. The term does not include land, the purchase of an interest in land, water or mineral rights, workers' compensation insurance, or benefit insurance for School employees.

**Hub zone ("HZ")** means any *business* in a historically underutilized zone as defined by

the United States Government Small Business Administration.

***In-state business*** means:

- A. A *business* that is authorized to transact *business* in Colorado and that maintains its principle place of *business* in Colorado; or
- B. A *business* that is authorized to transact *business* in Colorado, that maintains a place of *business* in Colorado, and that has filed Colorado unemployment compensation reports in at least seventy-five percent of the eight (8) quarters immediately before bidding on a *solicitation*.

***Invitation for bids ("IFB")*** means all documents, including those attached or incorporated by reference, utilized by the School for soliciting *bids*.

***Local business*** means any *business* located within ten (10) miles of the Colorado School of Mines campus or that is a member of the Golden Chamber of Commerce or that has an office within the City of Golden.

***Minority business ("MBE")*** means any *business* that is at least 51% minority owned or otherwise meets the U.S. Small Business Administration definition of a *minority business* and self certifies, is certified by the National Minority Business Council, or is certified by any Minority Chamber of Commerce or any entity of the federal government.

***Option*** means choices of additional components, *services*, or *goods* that would serve to provide increased value to the School beyond the base *bid*.

***Practicable*** means what may be accomplished or put into practical application; reasonably possible.

***Procurement*** means buying, purchasing, renting, leasing, or otherwise acquiring any *goods* or *services*. *Procurement* includes all functions that pertain to the obtaining of any *goods* or *services*; including description of requirements, selection and *solicitation* of sources, preparation and *award* of *contract*, and all phases of *contract* administration.

***Procurement Card*** means a form of company credit card that allows *goods* and *services* to be purchased and is designed to help the School maintain control of small purchases while reducing the administrative costs. The P-Cards are traditionally used by companies to replace paper invoices.

***Procurement Services*** means staff that has formal delegated authority to execute contracts on behalf of the School. *Procurement Services* provides rapid analyses of the School's spend and implements changes, negotiate with suppliers, and uses School's best practices.

***Proposal*** means a response from a vendor to an *RFP*.

***Protestor*** means any actual or prospective bidder or proposer who is aggrieved in connection with the *solicitation* or the *award* of a *contract* and who files a protest.

***Public entity*** means a state agency or institution of higher education or political subdivision of the State of Colorado, or of another state, the federal government or any combination thereof.

**Purchasing agent** means one of the School's employees in the Office of Business Operations with delegated purchasing authority from the Director of Business Operations.

**Qualified products list** means an approved list of *goods* or *services* described by model or catalogue numbers, which prior to competitive *solicitation*, the School has determined will meet the applicable *specification* requirements.

**Quote** means a response from a vendor to a *DQ*.

**Request for proposals ("RFP")** means all documents, including those attached or incorporated by reference, utilized by the School for soliciting *proposals*. *RFPs* are the commonly used name for competitive *sealed proposals*.

**Resale** means *goods* that will be purchased by a department and resold as-is. In the case of food, items that are bought and re-sold without being altered are *resale* items; items that are cut up, cooked, or otherwise processed before being re-sold are not *resale* items.

**Responsible** means a *business* that has the capability in all respects to perform fully the *contract* requirements, and the integrity and reliability that will assure good faith performance.

**Responsive** means an offer, with regard to a *bid* or *proposal*, that conforms in all material respects to the requirements contained in the *solicitation*.

**Revenue-producing** means a situation where a *business* pays money to the School as a result of any activity carried on by the *business* with the permission or agreement of the School. Situations that may be *revenue producing* will be evaluated by the Director of Business Operations on a case-by-case basis, and, if approved as *revenue producing*, will be documented in a written *determination*.

**Sealed** means that the *bid* or *proposal* must be submitted in a manner that:

- A. Ensures that the contents of the *bid* or *proposal* cannot be opened or viewed before the formal opening without leaving evidence that the document has been opened or viewed;
- B. Ensures that the document cannot be changed, once received by the School, without leaving evidence that the document has been changed;
- C. Bears a physical or electronic signature evincing intent by the bidder or proposer to be bound. An electronic signature must comply with the definitions and requirements set forth in the government electronic transactions act, *C.R.S. § 24-71.1-101 et seq.* and its implementing rules; and,
- D. Records, manually or electronically, the date and time the School receives the *bid* or *proposal* and that cannot be altered without leaving evidence of the alteration.

**Services** means the furnishing of labor, time, or effort by a *contractor* not involving the delivery of a specific end product other than reports which are merely incidental to the required performance.

***Sole source procurement*** means a *procurement* made without competition, when competition is otherwise required.

***Solicitation*** means a request to the *business* community to respond to a *documented quote, invitation for bids, or request for proposals*.

***Specification*** means any description of the nature of a *good* or *Service*, or of the physical or functional characteristics of a *good* or *service*. It may include a description of any requirement for inspecting, testing, or preparing a *good* or *service* for delivery.

***Women owned business (“WBE”)*** means any *business* that is 51% women owned or otherwise meets the U.S. Small Business Administration definition of a *women owned business* and self certifies in accordance with the rules of the State of Colorado or is certified by the Women’s Business Enterprise National Council or by any agency of the federal government.