

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 University 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 University'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 University's best interests.

An **After-the-Fact** ("**ATF**") purchase occurs when a department makes a purchase for more than \$5,000 before the Office of Business Operations issues a purchase order or change order. For example, authorizing a vendor to begin work before the Office of Business Operations issues a purchase order or change 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 or change 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 University 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 University 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.

Change order means a document that sets out changes to a previously issued *purchase order*. A *change order* provides authorization to a vendor to add to or change the original order for *goods* or *services*, as well as, documents any change in the cost of *goods* or *services*.

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 University. If more than one vendor is available for such negotiation, the needs of the University must be clearly defined in advance of any negotiations, via a *specification* that details fully the University'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 University agreement, regardless of what it may be called, for the *procurement* or disposal of *goods* or *services*, and includes purchase orders or change orders.

Contractor means any entity that has a contractual relationship with the University 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 Assistant Vice President of Business Operations, or his or her delegatee, which is based on sufficient facts, circumstances and reasoning to substantiate the decision. Each *determination* shall be filed in the appropriate Procurement Department file.

Documented quote ("DQ") means a process of soliciting informally for fulfilling the University'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 University.

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 University 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 bid (“IFB”) means all documents, including those attached or incorporated by reference, utilized by the University 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 University 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 some *services* to be purchased and paid for without the need for an encumbrance (i.e., Purchase Order) being created and is designed to help the University maintain control of small purchases while reducing the administrative costs. Such cards are traditionally used by companies to replace paper invoices. The University has four different company credit cards, the P-Card, the OneCard, the Event Card, and the Ghost Card (used by the University travel agent to pay for airfare).

Procurement Services means staff that has formal delegated authority to execute contracts on behalf of the University. *Procurement Services* provides rapid analyses of

the University's spend and implements changes, negotiate with suppliers, and uses University'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.

Purchase order means a document authorizing a vendor to deliver *goods* or *services* to the University, with payment to be made at a later date. A *purchase order* is an offer from the University to buy certain *goods* or *services*. The offer is accepted by the vendor when the requested *goods* or *services* are delivered.

Purchasing agent means one of the University's employees in the Office of Business Operations with delegated purchasing authority from the Assistant Vice President 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 University has determined will meet the applicable *specification* requirements.

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

Request for proposal ("RFP") means all documents, including those attached or incorporated by reference, utilized by the University 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 University as a result of any activity carried on by the *business* with the permission or agreement of the University. Situations that may be *revenue producing* will be evaluated by the Assistant Vice President 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 University, 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 University 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 bid, or request for proposal*.

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.

Split purchase means a *procurement* made of a single good or service or group of goods or services where the *procurement* exceeds the cardholder's single transaction limit or the *procurement card* purchase limit and the cardholder instructed the vendor to divide up the payments into smaller amounts, or the payment was divided among several different *procurement cards*, or the *procurement* was requisitioned into smaller individual orders in one day or over several days, for the sole purpose of circumventing the cardholder's single purchase limit or *procurement card* purchase limit.

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.