

PART 1

DEFINITIONS

Actual Costs means direct and indirect costs which have been incurred for services rendered, supplies delivered, or construction built, as distinguished from allowable costs.

Adequate Price Competition means when competitive sealed proposals are solicited and at least two responsible offerors independently contend for a contract to be awarded to the responsible offeror submitting the lowest evaluated price by submitting priced best and final offers meeting the requirements of the request for proposals. If the foregoing conditions are met, price competition shall be presumed to be "adequate" unless the purchasing agent determines that such competition is not adequate.

Brand Name or Equal Specification means a specification which uses a brand name specification to describe the standard of quality, performance, and other characteristics being solicited, and which invites the submission of equivalent products.

Brand Name Specification means a specification calling for one or more products by manufacturers' names or catalogue numbers.

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

Change Order means a written order signed by the purchasing agent, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the purchasing agent to order without the consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

Chief Purchasing Agent means the purchasing agent for Utah County.

Construction means the process of building, renovating or demolishing any public structure or building, major developmental work, or landscaping of public real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

Consultant Services means work, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advise in formulating or implementing programs or services or improvements in programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning, and data processing.

Contract means any County agreement for the procurement or disposal of supplies, services, or construction.

Cooperative Purchasing means procurement conducted by, or on behalf of, more than one public procurement unit, or by a public procurement unit with an external procurement unit.

Cost Analysis means the evaluation of cost data for the purpose of arriving at estimates of costs to be incurred, prices to be paid, cost to be reimbursed, or costs actually incurred.

Cost Data means factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

Cost Objectives means a function, organizational subdivision, contract, or any other work unit for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, and similar items.

Cost Reimbursement Contract means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provision of this Chapter, and a fee, if any.

Discussions as used in source selection means negotiation during which the seller or buyer may alter or otherwise change the terms, price or other provisions of the proposed contract. Discussion can be conducted under competitive sealed proposals, sole source, and emergency procurements; such discussion is not permissible under competitive sealed bidding except to the extent in the first phase of multi-step bidding.

Established Catalogue Price means the price included in a catalogue, price list, schedule, or other form that is regularly maintained by a manufacturer or contractor, is either published or otherwise available for inspection by customers, and states prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the supplies or services involved. Trade discounts must be recognized in establishing any price.

External Procurement Unit means any buying organization not located in this County which, if located in this County, would qualify as a public procurement unit.

Grant means the furnishing by the County or by any other public or private source of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award whose primary purpose is to procure an end product, whether in the form of supplies, services, or construction; a contract resulting from such an award is not a grant, but a procurement contract.

Invitation for Bids means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

Lease means a contract for the use of equipment or real property under which title does not pass to the purchasing agency.

Local Public Procurement Unit means any political subdivision or institution of higher education of the County or public agency of any subdivision, public authority, education, health, or other institution, and to the extent provided by law, any other entity which expends public funds for the procurement of supplies, services, and construction, but not counties or municipalities. It includes two or more local public procurement units acting under legislation which authorizes intergovernmental cooperation.

Person means any business, individual, union, committee, club, other organization, or group of individuals, not including a County agency or a local public procurement unit.

Preferred bidder means a bidder that is entitled to receive a reciprocal preference under the requirements of this Chapter.

Prequalification for Inclusion on Bidders Lists means determining that a prospective bidder or offeror satisfies the criteria established for receipt of solicitations when and as issued.

Price Analysis means the evaluation of price data without analysis of the separate cost components and profit which may assist in arriving at prices to be paid or costs to be reimbursed.

Price Data means factual information concerning prices for supplies, services, or construction substantially identical to those being procured. Prices in this definition refer to offered or proposed selling prices. The definition refers to data relevant to both prime and subcontract prices.

Procurement means buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection, and solicitation of sources, preparation, and award of a contract, and all phases of contract administration.

Professional Services means work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, including but not limited to accounting and auditing, court reporters, X-ray technicians, legal, medical, nursing, education, engineering, actuarial, architecture, veterinarians, and research. The knowledge is founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skills.

Property means all real property and/or personal property owned by a purchasing agency.

Providers means suppliers of services, which might be termed "personal services", to benefit citizens of the County which services otherwise might be performed by its own employees. For example, the County might contract with a school to conduct a training program for the handicapped. Similarly, the County might contract with persons to provide foster homes for children. It will be necessary to ascertain on a case-by-case basis whether the services to be rendered will involve extended analysis and significant features of judgment.

Public Procurement Unit means either a local public procurement unit or a county public procurement unit.

Purchase Description means the words used in a solicitation to describe the supplies, services, or construction to be purchased, and includes specifications attached to or made a part of the solicitation.

Purchasing Agency means any County department other than the purchasing office which is authorized by this Chapter or its implementing regulations, or by way of delegation from the purchasing agent, to enter into contracts.

Purchasing Agent means the individual duly appointed and qualified to act under the direction of the Board of County Commissioners to negotiate for the purchase of or contract for all supplies and materials required by the County.

Qualified Products List means a list of supplies, services, or construction items described by model or catalogue numbers, which, prior to solicitation, the purchasing agency has determined will meet the applicable specification requirements.

Request for Proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible Bidder or Offeror means a person who has the capability in all respects to perform fully the contract requirements and who has the integrity and reliability which will assure good faith performance.

Responsive Bidder means a person who has submitted a bid which conforms in all material respects to the Invitation for Bids.

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. It does not include employment agreements or collective bargaining agreements.

Solicitation means an Invitation for Bids, a Request for Proposals, or any other document, such as a request for quotations, issued by the purchasing agency for the purpose of soliciting offers to perform a contract.

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

County Agency means any department, division, commission, council, board, bureau, committee, institution, government corporation, or other establishment or official of this County.

County Public Procurement means the purchasing division and any other purchasing division or any other purchasing agency of this County.

Suppliers means prospective bidders or offerors.

Supplies means all property, including but not limited to equipment, materials, and printing.

Surplus Supplies means any supplies that are no longer needed for public use. It includes expendable supplies, scrap materials, and nonexpendable supplies that have completed their useful life cycle.

Using Agency means any County agency which utilizes any supplies, services, or construction procured under the Utah County Procurement Rules and Regulations.