

# IMPERIAL IRRIGATION DISTRICT MANUAL OF OPERATIONS

**Subject:** Procurement of Goods & Services

**Date:** May 14, 2013

**Policy No.:** 3101

**Responsible Department:** General Services

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## 1. PURPOSE

To establish a policy for the acquisition of goods, equipment and services.

### A. Compliance with Federal/State Funded Requirements

Where procurement involves the expenditure of federal/state assistance or contract funds, the purchasing agent shall comply with such law or contract or obtain a written waiver of such requirements.

### B. Purchases with Funds Received Through the Sale of Bonds

Pursuant to Public Contracts Code Section 20560 and 20561 when a public works project is paid for with the proceeds of the sale of bonds or a limited assessment. IID must make an award to the lowest responsible, responsive bidder.

## 2. SCOPE

This policy applies to all departments and requires all parties involved in the negotiation, performance, or administration of the IID contracts to act in good faith.

### A. Procurement Policy Exemptions

Exemptions from this policy shall include:

- (1) Development agreements or contracts for the purchase or sale of real property and ancillary services related thereto, such as title insurance, appraisals or environmental assessments to the extent that they are negotiated as part of the contract for purchase or sale of real property.
- (2) Regulated public utilities where service and rates are not negotiable.
- (3) Interagency agreements or contracts with other public entities.
- (4) Postage and rental of proprietary postage meters.

- (5) Contracts for personnel and/or staff augmentation acquired by Human Resources Department.
- (6) Contracts by IID for purchased power agreements and some generation fuel contracts which are approved in conjunction with risk management and legal department review.
- (7) Contracts for professional witnesses or legal services, if the purpose of such services is to provide for professional services relating to an existing or threatened litigation in which the IID is or may become a party.
- (8) Contracts for legal defense, legal advice, or legal services.

### **3. REVISION/RESCISSION**

This policy supersedes Policy No. 3101 dated April 17, 2012.

### **4. DEFINITIONS**

See Appendix A.

### **5. POLICY**

#### **A. Administration**

Unless otherwise authorized by policy, all IID procurement shall be awarded by one of the following methods:

- (1) Procurements \$50,000 or less (small dollar purchases)
  - (a) Informal quotation.
  - (b) Blanket purchase orders.
  - (c) P-Cards.
- (2) Procurement greater than \$50,000 (formal competitive procurement)
  - (a) Invitation for Bids (IFB).
  - (b) Formal solicitations; Primary Request for Proposal (PRFP), Secondary Request for Proposal (SRFP) and Qualifications Request (QR).
- (3) Non-competitive procurement
  - (a) Exemptions from competitive procurement.
  - (b) Limits on Competition; Single source /Sole source procurement.
  - (c) Emergency procurements.

Employees are prohibited from making personal purchases from contracts entered into by the IID.

#### **B. Authorization**

Except as otherwise provided in this policy, all rights, powers, duties, and authority relating to the procurement of supplies, equipment, services, and the management, control, warehousing, sale and disposal of supplies,

now vested in, or exercised by the district are hereby transferred to the purchasing agent.

The purchasing agent, through the general manager, is authorized and directed to purchase all services, supplies and equipment necessary for the economical and efficient operation of the IID from qualified firms in an amount not to exceed \$200,000 on approved budget items, without board approval. Further, the purchasing agent is authorized to replenish store stock materials for the economical and efficient operation of the district within the limits of the approved budget without board approval.

Contract values will require approval as specified in the following approved signature authorization limits:

- Board – greater than \$200,000.
- General manager – up to and including \$200,000.
- Department manager – up to and including \$50,000.
- Section supervisor – up to and including \$10,000.
- Unit leader – up to and including \$1,000.

Contracts may, at the discretion of the general manager and without the board approval, be increased, as long as the total contractual amounts do not exceed \$200,000.

The purchasing agent shall:

- (1) Have the authority to determine the method of solicitation that will be most advantageous to the district.
- (2) Not award a contract or incur an obligation on behalf of the district if sufficient funds are not available except under emergency conditions.
- (3) Be responsible to develop, maintain and administer board policy related to public procurement practices at the district, facilitate training, create standard forms and contractual provisions, lead other procurement management functions, and will develop standard operating procedures for the acquisition of goods and services.
- (4) Prepare written determinations as required to document decisions or take certain actions. Such determinations may include fact finding and the formation of conclusions, supporting the determinations.
- (5) Maintain the official file for all district contracts covered under this policy.
- (6) Have general supervision of the Supply Chain Management group.

- (7) Standardize procurement of equipment, replacement parts, service supply and to create alliance contracts in order to achieve greater economy on purchases.
- (8) Have the responsibility and authority to:
  - (a) Execute district contracts.
  - (b) Execute small dollar purchases.
  - (c) Suspend or debar vendors.
  - (d) Resolve disputes related to contracts.
  - (e) Inform district employees and contractors of the ethical standards for contracting.
  - (f) Delegate authority to designees or to any department, employee, or official.

District legal counsel shall serve as an advisor on all matters that require interpretation of law or endorsement of action.

C. Procurement of Goods and Services

Competitive procurement will be conducted by use of informal quotations, formal competitive solicitations; invitation for bid, formal solicitations; primary request for proposal, secondary request for proposal, or a qualification request. Awards will be made by the use of contracts, purchase orders, blanket contracts, alliance agreements, or other methods as approved by the purchasing agent.

Under this policy, it is a prohibited act to split purchases or contracts in order to avoid legal or policy requirements, including but not limited to competitive solicitation requirements.

- (1) Procurement \$50,000 or less (Small dollar purchases)
  - (a) Informal Quotations –
    - (i) Buyers in the Supply Chain Management group are responsible for obtaining informal quotations verbally or on a form approved by the purchasing agent for acquisitions of goods, materials, and services estimated to cost between \$5,000 and \$50,000.
    - (ii) Construction projects estimated to be \$20,000 or higher or any other procurements requiring bonding should be processed by use of formal competitive solicitation. Informal responses shall be evaluated by the buyer and awarded to the vendor whose quotation response is most advantageous to the district. Key considerations for award will be price, ability to meet defined time commitment, quality, meeting specifications and understanding of the scope of work

defined, price being the most important consideration. The purchasing agent may determine that in the best interest of the district, certain small dollar procurements for goods or services may be processed under a formal competitive procurement.

- (iii) Informal responses may be obtained by authorized department staff or from a list of pre-qualified vendors managed and maintained by the Supply Chain Management group. The informal quotations will be evaluated by an authorized buyer and awarded to the vendor whose quotation response is most advantageous to district.
  - (iv) Unless approved and documented by the purchasing agent, there shall be at least three informal quotations requested.
  - (v) Additional orders for similar purchases may be placed with a vendor based upon current solicited pricing.
- (b) Blanket Purchase Orders (BPO's) and Procurement Cards (P-Cards)
- (i) Procurement of low cost, high volume repetitive items can utilize a BPO at established dollar limits. Annual license costs, maintenance service costs and fees will be processed using a BPO annually based upon approved budgeted expenses.
  - (ii) Contracts using BPOs should be competitively solicited when possible. The purchasing agent shall prescribe the form and information required for BPOs and dollar amount limitations.
  - (iii) All BPO contracts will be established on a yearly basis and controlled by overall "not to exceed" dollar values monitored and increased as needed by the purchasing agent. BPO's are considered to be billing mechanisms for departmentally reviewed and approved invoices, not a guarantee of commitment to the vendor. A BPO may be used when obtaining materials needed for immediate consumption, usually by numerous sections or projects, in order to reduce costs by minimizing handling and other associated expenses.
  - (iv) An authorized district procurement card may be used for small dollar purchases and transactions within the approved spending limits of the card holder and as prescribed in the P-Card policy No. 2465.

(2) Procurement greater than \$50,000 (Formal Competitive Procurement)

Acquisitions estimated to be over \$50,000 will be publically advertized on IID's online solicitation website to promote fair and open competition. Participating vendors will be prequalified whenever possible prior to the issuance of a competitive procurement. Solicitation results will be documented and available to the public after successful award of a contract.

(a) Invitation for Bid Process - Acquisition of materials, supplies, equipment, and construction projects of a specific scope with set specifications and timeline, over \$50,000 will be done through a competitive sealed bid process in accordance with Policy and Procedure No. 3130, Competitive Procurements and Contracts.

Award of Sealed Bids will be made to the lowest responsive, responsible bidder. Award recommendations for a response other than the lowest price must include a written justification in the documentation, endorsed by the department manager and approved by the Board of Directors.

(b) Formal Solicitation Process - Acquisition of professional, technical, maintenance, other non-professional services, and construction projects including construction management, design/build, EPC (engineer, procure, construct) that require the vendor to propose the method and/or engineering, may be done through a formal solicitation process in accordance with Policy and Procedure No: 3130 Competitive Procurements and Contracts.

(i) Award of Primary Request for Proposals will be made after proposals are reviewed for responsiveness and responsibility. Primary Proposals will be rated or scored. Responsive vendor's sealed cost submittals will be opened and award will be made to the lowest vendor.

(ii) Award of Secondary Request for Proposal will be made to the vendor whose response is determined to be the most advantageous to the district based on the criteria set forth in the solicitation.

(3) Non-competitive Procurement

(a) Exemptions from competitive procurement

The following transactions are exempt from the above competitive procurement requirements and do not require a sole source or single source approval:

- (i) Contracts between the district and any other public procurement unit, or contracts for similar materials or services from publically solicited contracts by another agency or foundation. Contracts for the work or services of a state, local or federal agency, or a joint powers authority of which IID is a member.
- (ii) Purchases of supplies, equipment, and materials made via a public auction (Prior authorization for highest bid cap allowed will be acquired in accordance with approval signature authorization limits in this policy).
- (iii) Publications, books, maps, reports, subscriptions, periodicals, newspapers, membership dues and technical pamphlets.
- (iv) Contracts for conferences, seminars, training fees, tuition or meeting facilities, including room accommodations for conference attendees, not to exceed \$200,000.
- (v) Contracts for emergency room medical facilities and physicians.
- (vi) Any payments made pursuant to court order, jury verdicts or settlements.
- (vii) Contracts for the development, maintenance, administration or use of licensing or proficiency testing examinations.
- (viii) Training courses and materials provided by accredited institutes of learning.
- (ix) Accreditation, testing, and evaluation services.
- (x) Contracts for proprietary services, software maintenance, annual license renewals, upgrade contracts.
- (xi) Small dollar purchases less than \$5,000.
- (xii) Technical and professional services \$50,000 or less.
- (xiii) Original Equipment Manufacturer (OEM) parts less than \$5,000. The OEM requirements should be documented in the purchase requisition.
- (xiv) The general manager has the discretionary authority to enter into contracts that are \$50,000 or less and based upon the best interest of the district, taking into account factors such as need, confidentiality, and district requirements. The board has the authority to

direct the general manager to enter into contracts/agreements \$50,000 or greater and based upon the best interest of the district, taking into account factors such as need, confidentiality, and district requirements.

(b) Limits on Competition; Single Source (Brand) and Sole Source

Single source (brand) and sole source procurement over \$5,000 may be awarded for a supply or service item without competition provided there is sufficient written justification to determine that there is only one source for the required product or service.

The requesting department shall provide written evidence to support single source (brand) or sole source procurement. The drafting or application of specifications or solicitation requirements for goods or services that are unnecessarily restrictive in such a manner as to limit, directly or indirectly, competition to a single source (brand) or sole source is prohibited. The determination as to whether procurement has been adequately justified in writing for a single source (brand) or sole source award shall be made by the purchasing agent and/or general manager.

The purchasing agent shall negotiate with the single supplier, to the extent practicable, to derive a contract advantageous to the district.

Single source (brand) and sole source justification must meet one or more of the following criteria:

- (i) A single source (brand) product is unique and essential to district requirements, thereby precluding consideration of a product manufactured by another company. Single source (brand) contracts specific to a unique and essential service to the district may be extended for the useful life of the product.
- (ii) A sole source service is unique and essential to district requirements, thereby precluding consideration of a service performance by another firm or person. Sole source service contracts may be granted for a period no longer than two years without approval from the GM.



- (iii) A single source (brand) /sole source product or service is required to match other similar product or services already in place and the use of an alternate product or service would cause the district to incur substantial additional costs.
- (iv) A single source (brand)/sole source product or service is required for a distinguishing time-sensitive action when it would not be in the best interest of the district to delay the purchase and thereby to avoid an actual or potential public threat, or to avert undue additional cost to the district.

The purchasing agent may initiate a non-competitive procurement less than \$50,000 where it is determined that an unusual or unique situation exists that makes the application of all requirements of competitive solicitations contrary to the public interest. A written determination of the basis for the procurement and for the selection of the particular vendor shall be included by the purchasing agent in the procurement file.

(c) Emergency Procurements

- (i) Notwithstanding any other provision of this policy, the purchasing agent, designee, the general manager, or the governing board may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, safety or continuation of services under emergency conditions as defined in this policy; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular vendor shall be included in the contract file. An emergency procurement shall be limited to those materials or services necessary to satisfy the emergency need.
- (ii) In the event of a declared local, state or federal emergency, the procurement of materials, lease or rental of equipment, construction services and consulting services may commence with the general manager's or emergency operations center director's approval, even if the dollar amount exceeds allowable limits and prior to formal request presented to the

board as informational item and subsequently for approval.

- (iii) Appropriate documentation will be obtained to ensure that all contractors being funded by federal claim reimbursements with contracts over \$25,000 in value are not listed on the federal excluded parties list system (EPLS [www.epls.gov](http://www.epls.gov)) as suspended or debarred. Verification will be accomplished through online verification, by collecting a certification from the entity, or by adding a clause to the contractual agreement specifying that the contractor warrants that they are not a suspended or debarred party.
- (iv) The purchasing agent will maintain a list of authorized vendors for emergency occurrences.

(4) Other Procurement Provisions

(a) Review/Approvals

Prior to the solicitation or procurement of specific materials, equipment and services, the following types of procurements may require review, verification of specifications for compatibility, and/or approval by responsible section within the district. It may be necessary to obtain assistance may be needed for standards which typically relate to safety, building code requirements, compatibility with existing equipment, and availability of support.

<i>Type of Service or Material</i>	<i>Office for Review &amp; Approval</i>
•Audio visual equipment .....	IT
•Building renovations.....	Facilities
•Carpet.....	Facilities
•Communications.....	IT
•Computer hardware/software networking.....	IT
•Construction Projects.....	PMO/Environmental/ Real Estate/Safety
•Furniture.....	Facilities
•Hazardous & environmental assessment.....	Environmental/Hazmat
•Landscape/grounds.....	Facilities
•Leases (all types).....	Finance
•Office cleaning services.....	Facilities
•Security equipment/services.....	Security and Claims
•Vehicle procurement.....	Fleet

- (5) Multi-Year Contracts
- (a) A contract for materials, supplies or services may be entered into for a period of time up to three years, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds thereafter.
  - (b) A multi-year contract is authorized where:
    - (i) Estimated requirements cover the period of the contract and are reasonably firm and continuing; and
    - (ii) Such a contract will serve the best interests of the district by encouraging effective competition or otherwise promoting economies in district procurement.
  - (c) When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled in accordance with the governing terms
  - (d) Contractual periods can be extended beyond three years with Board approval.
- (6) Procurement of Licensed Professional Services
- (a) The district may procure licensed professional services, such as appraisers, real estate and property services; engineers, assayers, geologists and hydrologists, landscape architects, land surveyors, specialized consultants, or physicians, by developing a list of prequalified providers through soliciting statements of qualifications. Such lists of qualified providers shall be maintained by service type and updated every two years by the Supply Chain Management group.
  - (b) The statement of qualifications shall include the following information:
    - (i) Technical education and training;
    - (ii) General or special experience, certifications, licenses and memberships in professional associations, societies, or boards;
    - (iii) Any other pertinent information requested by the purchasing agent.

- (c) The purchasing agent may appoint a committee to review qualifications. The committee shall consist of the purchasing agent or designee, and one or more staff members familiar with the profession which is the subject of the procurement. Awards to professionals may be made directly to a qualified firm or through a subsequent solicitation.
- (7) Contract Amendments and Modifications
- (a) Amendments to Contracts not covered under an Major Work Authorization (MWA)  
Amendment requests:
    - (i) Should be submitted on an Amendment form documenting; the circumstances for the modifications, (price, quality, quantity, scope of work, delivery or cancellation), that the funds are available, and that the appropriate level of signature authorization(s) have been obtained.
    - (ii) Should be evaluated for contract validity and price reasonableness by the requesting department.
    - (iii) Should not be used as a means to circumvent competitive solicitation requirements.
    - (iv) That do not add additional dollars to the contract value are considered administrative amendments and should be approved by the appropriate department manager.
    - (v) If when added to the current contract value, exceeds the signer's authority, the amendment must be elevated to the appropriate authorization level for signature(s).
    - (vi) For fixed-price construction contracts, not covered under an MWA, may not exceed the original contract price by greater than 25% without Board approval, except under emergency conditions.
    - (vii) For contracts that were originally subject to board approval will also require board approval.
    - (viii) Which increase the current contract value to greater than \$200,000 must be taken to the board for approval.

Any material change such as a change in price, terms or circumstances of a contract or purchase order shall be reviewed by the purchasing agent to determine that the change or modification is reasonable and consistent with this policy.

District personnel may be subject to discipline for unauthorized contract amendments or modifications.

Except with respect to authorized field change orders, District personnel shall not notify a contractor that a contract amendment is approved until authorized by the purchasing agent.

- (b) Amendments to Contracts covered under an MWA Amendment Requests for contracts authorized under an approved, open MWA, in accordance with MWA Policy No. 1080, valued greater than \$200,000 will not require board approval unless the amendment to the contract causes the MWA to exceed the overall approved amount, but must be included in the quarterly report to the board by the project management office.

## **6. Responsibilities**

### **A. Audits**

Solicitation methodologies, practices and processes will be reviewed periodically by the purchasing agent and recommended changes will be submitted to the Board for approval.

At least once every three years the internal audit staff is required to perform audits of the activities of the district's purchasing and contracting functions.

### **B. Enforcement**

#### **Unauthorized Purchases, Violations, Enforcement**

Except as provided in this policy, it shall be improper for any employee to order the purchase of supplies or services or to attempt to enter into contracts within the purview of this policy other than through the purchasing agent. A person who contracts for or purchases any materials, services or construction without authorization violates this policy and may be subject to disciplinary action pursuant to Policy and Procedure No. 4350.

## APPENDIX A DEFINITIONS

Addendum/Addenda: a modification of a solicitation for clarification purposes, to incorporate changes, additions, exclusions or to formally introduce documentation to a solicitation.

Alliance Agreement: a type of contract that establishes contractual obligations of values, quantities, terms and conditions, or other requirements for a period of time from which releases may be scheduled in the form of Purchase Orders or Service Agreements as required.

Amendment: any written order authorized by the Purchasing Agent directing changes to an existing contract; scope of work, specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions altered by mutual action of the parties to the contract.

Best and Final Offers (BAFO): the final proposal submitted after negotiations are completed that contains the vendor's most favorable terms for price and services or products to be delivered.

Bid Bond: an insurance agreement accompanied by a monetary commitment by which a third party (the surety) accepts liability and guarantees that the bidder will not withdraw the bid, the bidder will furnish bonds as required and if the contract is awarded to the bonded (insured) bidder, the bidder will accept the contract as bid or else the surety will pay a specific amount.

Bidder: the vendor, respondent or party responding to a solicitation of any type.

Blanket Bond: a type of bond used to ensure a bidder's performance on two or more contracts instead of issuing separate bonds for each contract. The amount and form of the blanket bond shall be established by the contracting entities.

Blanket Purchase Order (BPO): is a contract generally issued yearly, under which a vendor agrees to provide goods or services to the purchaser on a demand, as needed basis. BPO's are not a guarantee of purchase commitment but may contain estimated quantities or target values. BPO's are commonly used to reduce administrative expense associated with low value, repetitive requirements, and may also be used for yearly budgeted maintenance, support, or license annual costs.

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

Brand Name or Equal Specifications: a specification that uses one or more manufacturers' names or catalog numbers to describe the standard of quality, performance, and other characteristics needed to meet the IID requirements, and that provides for the submission of equivalent products.

Brand Name Specifications: a specification limited to one or more items by manufacturers' names or catalog numbers.

Capability: ability, authority and legality to perform at the time of contract award.

Change Order: a written alteration to a contract signed by an authorized staff member and contractor's representative. The field change order shall be attached to an amendment request to the purchasing agent in accordance with policy.

Construction: the process of building, altering, repairing, improving, or demolishing any IID infrastructure facility, including any IID structure, IID building, or other IID improvements of any kind to real property.

Cooperative Purchasing: procurement conducted by, or on behalf of, one or more public procurement units.

Contract: Any types of IID agreements, regardless of the document title, for the procurement or disposal of supplies, services or construction.

Contractor: A person/entity engaged in a construction contract agreement with IID.

Consultant: A person/entity engaged in a professional services contract agreement with IID.

Cost-Reimbursement Contract: a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms.

Debarment: the disqualification of a vendor from participation in solicitations or from the award of a contract by IID for a specified period of time.

Descriptive Literature: information available in the ordinary course of business that shows the characteristics, construction, or operation of an item offered in a bid or proposal.

Designee: a duly authorized representative of a person or entity.

*Determination and Findings:* a document prepared by a purchasing official to validate and support a decision to take a certain action; includes conclusion, or determination, and the reason or findings of fact.

*Emergency:* a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property or essential public services.

*Emergency Purchase:* procurement when supplies or services are needed for a situation where the health, safety, property or welfare of the public is endangered if immediate corrective or preventative action is not taken.

*Established Markets:* those places where materials are regularly bought and sold at prices set by open competition.

*Exempt Purchase:* a procurement that has been determined to be in the best interest of the IID to be exempt from this policy.

*Established Catalog:* the price included in a catalog, price list, schedule or other form that: (a) is regularly maintained by a manufacturer or contractor; (b) is either published or otherwise available for inspection by customers.

*Fair Market Value:* the price at which sales have been consummated for assets of like type, quality, and quantity in a particular market at the time of acquisition.

*Field Change Order:* a change order signed in the field by authorized staff member and contractors representative.

*Filed:* a time/date stamp affixed to a document by the purchasing agent, his/her designee or approved electronic method shall be determinative of the time of delivery for purposes of filing.

*Formal Competitive Solicitation:* an invitation for bid, a request for technical offers, a request for proposals primary or secondary, a qualification request or any other invitation or request publicly advertised by which the IID invites vendors to participate in a procurement.

*Goods:* tangible items such as equipment, materials, and supplies.

*Governing Instruments:* those legal documents that establish the existence of an organization and define its powers including articles of incorporation or association, constitution, charter and by-laws.



Imperial Irrigation District: Imperial Irrigation District, a public irrigation district formed and existing under Division 11 of the California State Water Code, to include any director, officer or employee thereof.

Informal Solicitation: quotation conducted by a buyer; in person, via phone, email, fax, or other method to quickly obtain competitive pricing with or without the use of a standardized IID form.

Interested Party: an actual or prospective bidder or offeror whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract, or by the failure to award a contract. Whether an actual or prospective bidder or offeror has an economic interest will depend upon the circumstances of each case.

Invitation for Bid: the complete document package posted with any attachments used to solicit sealed bid responses from vendors. Bid responses received, must conform to the prescribed format and be opened in public as a specified date and time.

Local vendor: any person or legal entity that is authorized to transact business within the IID water and/or electric service area, having established a permanent place of business (other than a Post Office Box) in the company's name for at least nine (9) months prior to the issue date of the subject solicitation. To qualify for Local Vendor preference on Water Department solicitations, the person or legal entity must have established an IID water and/or electric service account(s) within IID's water service area in the company's name. For all other solicitations, the person or legal entity must have established an IID water and/or electric account in the company's name anywhere in IID's water or electric service area.

Major Work Authorization: a written document approved by the IID Board of Directors, setting forth the scope of the work to be performed, the time period and the approved budget to perform the MWA project.

Minor Informality: mistakes, excluding judgmental errors that have negligible effect on price, quantity, quality, delivery, or other contractual terms and waiver or correction of such mistake which does not prejudice other bidders or offerors.

Multiple Awards: an award of separate contracts for one or more similar materials or services to more than one bidder or offeror.

Multiple Step Sealed Bidding: a source selection method involving at least two competitive steps combining the elements of both competitive sealed bids and competitive sealed proposals. The first step requires the submission of unpriced

technical proposals. In the second step, bidders with acceptable technical proposals are asked to submit sealed bid prices.

Offer Acceptance Time: the time during which the IID may accept an offer of a bid or proposal.

Payment Bond: a bond which assures payments as required by law to all persons supplying labor or material for the completion of work under the contract.

Performance Bond: a bond executed subsequent to award by a contractor to protect the IID from loss due to the contractor's inability to complete the contract as agreed; secures the fulfillment of all contract requirements.

Posted Prices: the sale price determined by the Purchasing Agent.

Price Data: information concerning prices, including profit, for materials, services, or construction substantially similar to those being procured under a contract or subcontract. In this definition, "prices" refers to offered or proposed selling prices, historical selling prices or current selling prices of the items being purchased.

Procurement: buying, purchasing, renting, leasing, or otherwise acquiring any materials, 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 contract, and all phases of contract administration.

Proprietary Specification: a specification that describes a material made and marketed by a person having the exclusive right to manufacture and sell such material and excludes other material with similar quality, performance of functional characteristics from being responsive to the solicitation.

Professional Services: services of those individuals, regardless of whether self-employed or employed within a business entity who, through special learning or attainment, have acquired intellectual skills and qualifications in a particular area of endeavor that has been generally accepted as a profession and which requires a prolonged course of specialized instruction and study.

Public Notice: the distribution or dissemination of information to interested parties using methods that are reasonably available. Such methods will often include electronic mailing lists or website(s) designated and maintained by the IID for that purpose.

Public Procurement Unit: any one of the following: (a) local public procurement unit; (b) state public procurement unit, and (c) federal agencies.

Purchase Requisition: that document whereby a department requests that a purchase be entered into for a specified need, and may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation, suggested sources of supply, and information supplied for the making of any written determination required by this policy.

Public works contract: an agreement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.

Purchasing Agent: the person duly authorized to enter into and administer contracts and make written determinations with respect thereto. The term also includes authorized representatives acting within the limits of authority.

Qualified Products: an approved list of materials described by model or catalog numbers, that, the IID has determined will meet the applicable specifications requirements and may be utilized in competitive solicitations.

Qualification Request (QR): a request made to potential respondents as to their ability to meet and/or perform certain requirements called for in the solicitation. This procedure can be the first part of a two step solicitation process, or it could be used prior to issuance of a negotiated contract.

Request for Proposal – Primary (PRFP): based upon qualifying criteria; experience, qualifications, and methodology to acquire goods or services, responses are evaluated and respondents are determined to be responsive and accepted or non-responsive and rejected. The sealed price components of the responsive bidders are opened publicly and award will be made to the lowest respondent.

Request for Proposal – Secondary (SRFP): a methodology to acquire goods or services that are complex, high dollar value with high start up cost and awarded based upon evaluation criteria. Normally, a scope of work and evaluation criteria are provided with the respondents given the latitude to propose a solution which will be evaluated by committee and awarded based upon highest score.

Responder/Respondent: a vendor who submits a response to a solicitation document.

Responsible Bidder: a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

Responsive Bidder: a person who has submitted a bid which conforms in all material respects to the bid invitation.

Services: the furnishing of labor, time or effort by a vendor.

Signature: a manual or electronic identifier or the electronic result of an authentication technique attached to or logically associated with a record that is intended by the person using it to have the same force and effect as a manual signature.

Single Source (Brand): a contract for the purchase of goods and/or services because of the technology required or uniqueness of the service provided.

Small Dollar Purchase: any procurement not exceeding a given upper monetary limit as established by policy or regulation.

Sole Source: a non competitive award to a vendor possessing unique and singular available capability to meet the requirements of the District.

Specification: 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 materials, goods, services or construction items for delivery.

Standard Material: material that, in the normal course of business, is customarily maintained in stock or readily available from a manufacturer, distributor or dealer

Store Stock: IID standard materials procured and warehoused at IID facilities for use in maintenance and projects or for internal consumption.

Suspension: a punitive action taken by the purchasing agent whereby a person or entity is temporarily disqualified from participating in the IID procurement process.

Technical Offer: unpriced written information from a prospective vendor stating the manner in which the prospective vendor intends to perform certain work, its qualifications, and its terms and conditions.

Vendors Confidential Information: Is any information contained in a vendor's response to a solicitation which the vendor believes should be withheld from public disclosure and has so identified as "Confidential Information".

Works: is limited to any works to be paid for with the proceeds of the sale of bonds or a limited assessment.

Written Determination: A legal document prepared by a purchasing official to provide explanation of circumstance reviewed and justifies a decision to take a certain action.

Written or In Writing: the product of any method of forming characters on paper, other materials, or viewable screens, which can be read, retrieved, and reproduced, including information that is electronically transmitted and stored for the clarification of a decision or action, documentation of a process, for training purposes or appropriate official file.