

If it is determined that the person making such unauthorized purchase did not carry out their fiduciary duties for the benefit of the people of the State of Colorado, they will be subject to ethics sections of the State Classified Employee Handbook and Mines Faculty Handbook, [Section 6.2.3\(A\)](#).

## 5.0 EXCLUSIONS/DISCLAIMERS

This policy does not apply to transactions where Mines funds are not expended nor to contracts that are solely revenue producing.

## 6.0 DEFINITIONS

The terms defined in this section shall have the following meanings whenever they appear in this policy and procedures, 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.

An **After-the-Fact** (“**ATF**”) purchase occurs when a department makes a purchase of \$5,000 or more before the Office of Procurement and Contracting issues a Purchase Order or Change Order. For example, authorizing a vendor to begin work before the Office of Procurement and Contracting issues a Purchase Order or Change Order, even though the department has submitted a purchase requisition, is an ATF. Similarly, obtaining Goods, Services or Construction 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.

**Award** means the formal 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.

**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, Services or Construction by manufacturer's names or catalogue numbers. A Brand Name Specification requires a written justification for a specific Good or Service or Construction.

**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 Mines requirements, and which provides for the submission of equivalent Goods, Services or Construction.

**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, Services or Construction, as

well as, documents any change in the cost of Goods, Services or Construction.

**Competition or Competitive** means seeking more than one vendor through an informal process or a Solicitation.

**Contract** means any type of Mines agreement, regardless of what it may be called, for the Procurement or disposal of Goods, Services or Construction, and includes Purchase Orders or Change Orders.

**Contractor** means any entity that has a contractual relationship with Mines for the provision of Goods, Services or Construction as allowed for under this policy and procedures.

**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, and the acquisition of any Goods or Services required to complete that process. For the purposes of this policy and procedures, "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.

**DQ Response** means a response or quotes formally submitted to a Documented Quote ("DQ") Solicitation.

**Enhancement** means components, Services, or products that exceed the minimum functional requirements and would improve the quality of the Goods, Services or Construction being procured by Mines.

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

**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.

**One 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). Mines has four different company credit cards, the One Card, the Fuel/Event Card, Payment Plus and the Ghost Card (used by Mines travel agent to pay for airfare).

**Procurement** means buying, purchasing, renting, leasing, or otherwise acquiring any Goods, Services or Construction. Procurement includes all functions that pertain to the obtaining of any Goods, Services or Construction; including description of requirements, selection and Solicitation of sources, preparation and Award of Contract, and all phases of Contract administration.

**Procurement and Contracting** means staff that has formal delegated authority to execute Contracts on behalf of Mines. Procurement and Contracting provides rapid analyses of Mines’ spend and implements changes, negotiates with suppliers, and uses Mines 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.

**Purchase Order** means a document authorizing a vendor to deliver Goods, Services or Construction to Mines, with payment to be made after delivery of Goods, Services or Construction.

**Qualified Products List** means an approved list of Goods, Services or Construction described by model or catalogue numbers, which prior to competitive Solicitation, Mines has determined will meet the applicable Specification requirements.

**Request for Information (“RFI”)** means a request from Mines to the vendor community to provide information about the general availability, Specifications, or costs of Goods, Services or Construction. An RFI is not a

vendor selection method and cannot be the basis for the Award of a Contract.

**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.

**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 Mines, without leaving evidence that the document has been changed;
- C. Carries a physical or electronic signature evidencing intent by the bidder or proposer to be bound; and,
- D. Records, manually or electronically, the date and time Mines 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, because the Good, Service or Construction is so unique in character that there is no other available source to acquire similar Goods, Services or Construction.

**Solicitation** means a request to the business community for a Competitive response to a Documented Quote, Invitation for Bid, or Request for Proposal.

**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 procedures of the State of Colorado or is certified by the Women’s Business Enterprise National Council or by any agency of the federal government.

## 7.0 RESOURCES or ATTACHMENTS

- [Financial Policies](#)
- [State Classified Employee Handbook](#)
- Mines [Faculty Handbook](#)
- [One Card Handbook](#)
- Code of Ethics - [Appendix A](#)

## *Procurement Policy*

- Federal Uniform Guidance - [2 CFR 200, Subpart D, Sections 200.317-200.326](#)
- Colorado Open Records Act (“CORA”) – C.R.S. § § [24-72-200.1 et seq.](#)
- C.R.S. § § [24-30-1401 through 24-30-1407](#)

### **KEY WORDS**

*procurement, purchase, goods, services, construction, solicitation, quotes, bids, proposals, documented quote, DQ, request for proposal, RFP, invitation for bid, IFB, One Card, financial policies*

## **8.0 HISTORY AND REVIEW CYCLE**

The policy will be reviewed at least every 2 years, or as needed by the Responsible Administrative Unit.

Issued: June 1, 2009.

Updated/Amended:

October 19, 2015 (added language to reflect specific federal guidance followed)

October 13, 2016 (updated exclusions, solicitation thresholds and competition requirements)

January 11, 2018 (updated for organization structure changes)

July 1, 2018 (updated to reflect changes in federal guidance)

May 13, 2020 (renamed Procurement Policy previously named Procurement Rules, revised layout, incorporated Construction transactions, updated for organization structure changes, increase Documented Quote threshold)