

3.1 Exclusions from Competition Requirements. Procurements using Sponsored Program Funds and Research Funds are excluded from the Competition requirements if the Goods or Services are from a specific vendor named in: (1) a sponsored project grant, (2) the awarding document from the granting agency (not just in a proposal or budget), or (3) the contract with the granting agency.

Procurements using funds other than Sponsored Program Funds and Research Funds are excluded from the Competition requirements, if the Procurement is for:

- A. transactions between Mines and a public entity including any agency of a federal, state, county or municipal government, a school district or other special district.
- B. services provided by architects, engineers, landscape architects, industrial hygienists or land surveyors. (See C.R.S. § [24-30-1401 through 24-30-1407](#)).
- C. specialized professional Services for teaching, speaking engagements or research services.
- D. Contracts and expenditures for litigation or other legal expenses, including experts, mediators, court reporters, process servers, witness fees, and attorney Services approved in advance by Mines' Office of General Counsel.
- E. a vendor's item procured for resale.
- F. the lease, sale, purchase, transfer, disposal or any other transaction involving an interest in real property.
- G. an employment contract.
- H. insurance policies for Mines and its employees.
- I. a defined contribution plan administrator and/or record keeper.
- J. travel related expense (e.g., airfare, accommodations, charter transportation).
- K. Mines hosted conference services (e.g. conference catering, meeting rooms, audio visual equipment, and guest accommodations).
- L. a publicly regulated utility (e.g., water, electricity, natural gas).
- M. fuel.
- N. a display, performance, or use of work of art, works of entertainment, literary works, magazine subscriptions, museum collections, music, film, or other copyrighted materials specific to the purpose of the procuring department.
- O. library collections in all formats, including books, periodicals, serials, electronic resources, multimedia/streaming video, etc.
- P. advertising such as in a newspaper, magazine, television commercial, radio advertisement, outdoor advertising, indoor display, social media, or other media outlet where Mines brand or programs are being advertised to a specific consumer segment.

Procurement Policy

- Q. used or pre-owned equipment or vehicles, provided that Procurement and Contracting has determined that Competition is not practical or would not be advantageous to Mines. Such purchases require cost or price analysis, certificate of working order and warranty unless waived by the Director of Procurement and Contracting.
- R. items that can only be provided by the manufacturer of existing equipment (e.g., component parts, software, warranty extensions, maintenance, or training).
- S. dues and/or memberships.
- T. tuition, registration, or fees charged for trainings, classes, conferences and seminars.
- U. software license renewals, additional licenses/seats, software maintenance, and upgrades to existing software used by Mines.

Notwithstanding the foregoing exceptions, Procurement and Contracting may require a reasonable method of Competition, price or value comparison, or negotiation in order to assure that the Procurement Policy and Procedures are followed.