

University of North Texas Purchasing and Payment Services (PPS) PURCHASING DEFINITIONS

Addendum: An addition or supplement to a solicitation document issued prior to the opening date.

Advertise: To make a public announcement of the intention to purchase goods or services.

Best and Final Offer (BAFO): The results of final negotiations with responsive vendors during the RFP process.

Bid: An offer to contract with the University of North Texas or University of North Texas System, submitted in response to a bid invitation. Bids are usually non-negotiable.

Bidder: An individual or entity that submits a bid. The term includes anyone acting on behalf of the individual or other entity that submits a bid, such as agents, employees and representatives.

Bidders List: A list of potential contractors who have expressed an interest in doing business with the University of North Texas or University of North Texas System. See Centralized Master Bidders List (CMBL).

Bid Opening: The public opening of bids and proposals, in which the names of the respondents to a bid solicitation are publicly read and recorded. Pricing information is read aloud with IFB responses only. RFP pricing is not read aloud due to the opportunity for best and final offer pricing.

Bid Tabulation: The recording of bids and proposals along with the data submitted in response to a solicitation. The bid tabulation is used for comparison, analysis and record keeping.

Buyer: The individual assigned to the solicitation and designated to purchase goods and services for the University of North Texas and University of North Texas System.

Centralized Master Bidders List (CMBL): The CMBL is a list maintained by the Texas Comptroller of Public Accounts (CPA) containing the names and addresses of prospective bidders and catalog information systems vendors.

Competitive Sealed Proposals: Process of advertising a request for proposal (RFP), the evaluation of submitted proposals and awarding of the contract.

Consultant: A person that provides or proposes to provide a consulting service.

Consulting Services: Practice of studying and advising a state agency in a manner not involving the traditional employer/employee relationship per Texas Government Code, Section 2254.021 (See also Major Consulting Services Contract).

Contract: A written agreement where a contractor provides goods or services in accordance with the established price, terms and conditions.

Contract Administration: This generally refers to the processes that occur after a contract is signed and is explained in detail in Chapter 7.

Contract Management: This refers to the entire contracting process from planning through contract administration.

Contractor: A business entity or individual that has a contract to provide goods or services to the University of North Texas or the University of North Texas System. Used interchangeably with the term “vendor”.

Deliverable: A unit or increment of work required by the contract, including such items as goods, services, reports, or documents.

Electronic State Business Daily (ESBD): The electronic marketplace where University of North Texas and the University of North Texas System solicitation opportunities over \$25,000 are posted. UNT posts all formal solicitation requests to the ESBD to increase solicitation responses. See Procurement Manual (<http://www.window.state.tx.us/procurement/pub/manual/>)

Evaluation Team: A group of individuals who are responsible for evaluating the responses to solicitations.

Executive Sponsor: A high level individual with primary responsibility for implementation and operation of the project. In some instances, the executive sponsor may be the executive head of the agency. In other instances, the executive sponsor may be the division or program director with overall project responsibility.

Goods: A transportable article of trade or commerce that can be bartered or sold. Goods do not include services or real property.

Historically Underutilized Business: A minority or women-owned business as defined by Texas Government Code, Title 10, Subtitle D, Chapter 2161. (<http://www.window.state.tx.us/procurement/prog/hub/>)

Invitation for Bids (IFB): Procurement process used when the requirements are clearly defined, negotiations are not necessary and price is the major determining factor for selection. The IFB uses the competitive sealed bid method.

Major Consulting Services Contract: A consulting services contract for which it is reasonably foreseeable that the value of the contract will exceed \$25,000. Any consulting contract over \$ 25,000 is required to be posted on the Texas Registry for

30 days prior to award of contract. Further requirements need to be satisfied (i.e. finding by the Executive Officer (President) of the University of North Texas or the Executive Officer (Chancellor) of the University of North Texas System, Notifications to the Legislative Budget Board (LBB) and the Governor's Office of Budget and Planning (GOBP), and posting award notice on Texas Registry as required by Gov't. Code 2254).

Major Contract: A contract that has a value of at least one (1) million dollars during the original term of the contract, not including any renewal periods. These contracts require Board of Regents approval.

Negotiations: A consensual bargaining process in which the parties attempt to reach agreement on a disputed or potentially disputed matter. In a contractual sense, negotiation means the dealings conducted between two or more parties for the purpose of reaching an understanding.

Payment Bond: A bond executed in connection with a contract which secures the payment requirements of the contractor.

Performance Bond: A surety bond which provides assurance of a bidder's performance of a certain contract. The amount for the performance bond shall be based on the bidder's annual level of potential monetary volume in the state purchasing program.

Professional Services: Services directly related to professional practices as defined by the Professional Services Procurement Act (Government Code, Section 2254.002) or services authorized by rule by the Department of State Health Services pursuant to Health and Safety Code, Section 12.0121. These include services within the scope of the practice of: accounting; architecture; optometry; medicine; land surveying; and professional engineering. Services provided by professionals outside the scope of their profession, e.g., management consulting services provided by accounting firms, are not considered professional services.

Proposal: An executed offer submitted by a respondent in response to a Request for Proposals (RFP) and intended to be used as a basis to negotiate a contract award.

Proposal Opening: The public opening of proposals, in which the names of the respondents to a solicitation are publicly read and recorded. No prices are divulged at a proposal opening as these types of solicitations are subject to negotiation. See Bid Opening and the Procurement Manual.

Request for Information (RFI): A general invitation to contractors requesting information for a potential future solicitation. The RFI is typically used as a research and information gathering tool for preparation of a solicitation.

Request for Offer (RFO): A solicitation for catalog information systems requesting the submittal of an offer in response to the required scope of services, including a

cost proposal. Negotiations are allowed between a respondent and the issuing agency.

Request for Proposal (RFP): A solicitation requesting submittal of a proposal in response to the required scope of services and usually includes some form of a cost proposal. The RFP process allows for negotiations between a respondent and the issuing agency.

Request for Qualifications (RFQ): A solicitation document requesting submittal of qualifications or specialized expertise in response to the scope of services required. No pricing is solicited with an RFQ. (Gov't Code 2254). These services include accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing.

Responsive: The respondent has complied with all material aspects of the solicitation document, including submission of all required documents.

Respondent: An entity submitting a proposal in response to a solicitation. (See Bidder)

Responsible: The respondent has the capability to fully perform and deliver in accordance with the contract requirements. The agency may include past performance, financial capabilities and business management as criteria for determining if a bidder or respondent is capable of satisfying the contract requirements.

Service: The furnishing of labor by a contractor which may not include the delivery of a tangible end product. In some cases, services and goods may be combined such as film processing. In these instances, agencies determine whether labor or goods is the primary factor. In the case of film processing, the labor to process the film is the primary factor, therefore film processing is considered a service.

Solicitation: A document requesting submittal of bids or proposals for goods or services in accordance with the advertised specifications.

Solicitation Conference: A meeting chaired by the Buyer in charge of the solicitation. The conference is designed to help potential bidders/respondents understand the requirements of a solicitation. Also known as a pre-bid or proposal conference.

State: The State of Texas.

State Agency: An agency of the State of Texas as defined in Texas Education Code 105.

Strategic Sourcing: A concept of purchasing with the objective to purchase goods or services that will minimize costs, increase managerial effectiveness and improve operational efficiency.

UNT Purchasing: A section of the University of North Texas Business Service Center, which is the office designated to purchase goods and services for the University of North Texas and University of North Texas System.

Vendor: A business entity or individual that has a contract to provide goods or services to the University of North Texas or the University of North Texas System. Used interchangeably with the term “contractor”.

i Black’s Law Dictionary (7th ed. 1999).

ii State agency means a department, board, commission or other entity of state government, other than a university system or an institution of higher education as defined by Section 61.003, Education Code, that:

- 1) has authority that is not limited to a geographical portion of the state;
- 2) was created by the constitution or a state statute with an ongoing mission and responsibilities;
- 3) is not the office of the governor or lieutenant governor;
- 4) is not within the judicial or legislative branch of government; and
- 5) is not a committee created under state law whose primary function is to advise an agency.