

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
	SUBJECT		Article 1	Date DRAFT
GENERAL PROVISIONS				

MC1-101 DEFINITIONS

In this Code, unless the context otherwise requires, capitalized terms used herein shall be defined as follows:

1. "ADVANTAGEOUS" means in the best interests of Maricopa County as solely determined by the Chief Procurement Officer except as otherwise specified in this Code.
2. "A/E CONSULTANT SERVICES" means Services of an architect, engineer, land surveyor, hydrologist, geologist, appraiser, archeologist, assayer, landscape architect, or other related professional whose Services are required to provide planning, design, or Construction management support for Maricopa County and its Governmental Units.
3. "AFFILIATE" means any Person whose governing instruments require it to be bound by the decision of another Person or whose governing board includes enough voting representatives of the other Person to cause or prevent action, whether or not the power is exercised. It may also include Persons doing Business under a variety of names, or where there is a parent-subsidiary relationship between Persons.
4. "APPLICATION BENEFIT" means a quantified assessment of the benefits to be achieved from the Information Systems or Telecommunications systems proposed by the Respondent, including reasonably projected reductions in program Costs and increases in productivity of Maricopa County personnel.
5. "AWARD" means the final execution of a Contract by the County representative as authorized by the County Board of Supervisors, pursuant to a Procurement.
6. "BEST VALUE" means the evaluation of Cost and non-Cost factors that take place during the Procurement process to determine the Best Value in terms of performance, quality, expediency, risk management, Cost or Price, and other factors that in total, are determined to be optimal relative to the County's needs.
7. "BID" means an Offer to perform a Contract for work and labor or supplying Commodities at a specified time.
8. "BID ABSTRACT" means a summation of Bids received in response to an Invitation For Bids.
9. "BID BOND" means a form of security, which indemnifies the County against a successful bidder's failure to execute the Contract documents and proceed with performance.
10. "BID CLOSING" means the date and time set forth in the Solicitation after which no Bid or Proposal will be considered.
11. "BOND" means a form of security in compliance with the Arizona Revised Statutes which

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
	SUBJECT		Article 1	Date DRAFT
GENERAL PROVISIONS				

indemnifies the County from various events.

12. "BRAND NAME OR EQUAL SPECIFICATION" means 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 Maricopa County requirements, and that provides for the submission of equivalent products.
13. "BRAND NAME SPECIFICATION" means a Specification limited to one or more items by manufacturers' name or catalog numbers.
14. "BUSINESS" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.
15. "CAPABILITY" means Contractor's ability to fully perform the Contract requirements at the time of Award.
16. "CERTIFIED AGENCY PROCUREMENT AIDES" (CAPA) means individuals designated by an individual department and trained by the Office of Procurement Services to conduct limited Procurement activities.
17. "CHANGE ORDER" means a written change to the Contract documents and agreed to by the County's authorized contracting officer or Procurement Officer, Contractor, Architect or vendor. It may change the Contract amount, time of performance, quantity, degree of Services contemplated in the original Contract's intent.
18. "CHIEF PROCUREMENT OFFICER" means the position that functions as the executive director and purchasing agent for Maricopa County responsible for development of centralized Procurement policy and oversight for all County Procurement activities. This position also serves as the department director for the Office of Procurement Services.
19. "CLARIFICATION" means written or oral communication with a Respondent, including demonstrations or questions and answers, for the sole purpose of information gathering or of eliminating Minor Informalities or correcting nonjudgmental mistakes in a Bid or Proposal. Clarification does not otherwise afford the Respondent the opportunity to alter or change its Bid or Proposal.
20. "COMMODITIES" means all materials, property, including equipment, supplies, printing, insurance and leases of personal property, but does not include land or other real property interests.
21. "COMPETITIVE SEALED BIDDING" means the Procurement process set forth in MC1-315 through MC1-327.
22. "COMPETITIVE SEALED PROPOSALS" means the Solicitation process set forth in MC1-328

	MARICOPA COUNTY PROCUREMENT CODE	OFFICE OF PROCUREMENT SERVICES	
		Article 1	Date <u>DRAFT</u>
SUBJECT	GENERAL PROVISIONS		

through MC1-339.

23. "CONSTRUCTION" means a process of improving, altering, remodeling, or demolishing of any public structure, highway, bridge, building or public improvement of any kind to any real property. Construction does not include the routine operation, routine repair or routine maintenance of existing structures, buildings, or real.
24. "CONSTRUCTION-MANAGER-AT-RISK" means a Procurement method where two Contracts are Awarded for the design and the Construction of a project. Design and Construction may occur sequentially or concurrently. There is a minimum project Cost for horizontal Construction specified in state statutes before this procedure may be used.
25. "CONTRACT" means all properly executed agreements, regardless of what they may be called, for the Procurement of Commodities, Services, Construction or the disposal of materials.
26. "CONTRACT MODIFICATION" means any written alteration in the terms and conditions of any Contract accomplished by mutual action of the parties to the Contract.
27. "CONTRACTOR" means any Person who has a Contract with a County Governmental unit. For purposes of Article 5, Contractor may also mean Respondent as defined in this Article.
28. "COOPERATIVE PURCHASING" means a Procurement conducted by, or on behalf of, more than one Public Procurement Unit.
29. "COST" means, for the purposes of the Code, the actual amount paid or incurred by a Contractor to provide a Commodity or Service exclusive of any profit or markup.
30. "COST ANALYSIS" means the evaluation of the Cost Data for the purpose of arriving at Costs actually incurred or estimates of Costs to be incurred, Prices to be paid, and Costs to be reimbursed.
31. "COST DATA" means information concerning the actual or estimated Cost of labor, Material, overhead, and other Cost elements that have been actually incurred or that are expected to be incurred by the Contractor in performing the Contract.
32. "COST-PLUS-FIXED-FEE-CONTRACT" means a Cost-Reimbursement Contract that provides for the payment of a fixed fee to the Contractor, in addition to Costs which are reasonable, allowable and allocable in accordance with the Contract terms and the provisions of this Code. The fixed fee, once negotiated, does not vary with the actual Cost but may be adjusted as a result of any subsequent changes in the scope of work or Services to be performed.
33. "COST-PLUS-A-PERCENTAGE-OF-COST-CONTRACT" means a Cost-Reimbursement Contract that, prior to completion of the work, the parties agree that the profit fee will be a predetermined percentage of the total Cost of the work. (Such a Contract is not permissible

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
	SUBJECT		Article 1	Date <u>DRAFT</u>
GENERAL PROVISIONS				

under this Code, MC1-302), unless it is only a portion of the Contract and that portion is not under the control of the Contractor and which shall not include labor.

34. "COST-REIMBURSEMENT CONTRACT" means a Contract under which a Contractor is reimbursed for Costs which are reasonable, allowable and allocable in accordance with the Contract terms and the provisions of this Code, and a fee, if provided for in the Contract. Payment to the Contractor will be the total of the Contractors approved Costs and any applicable fee established by the Contract terms.
35. "COUNTY ENGINEER" means the County Engineer appointed pursuant to A.R.S. § 11-561.
36. "COUNTY GOVERNMENTAL UNIT" means any Maricopa County department or agency headed by an elected or appointed official.
37. "DATA" means documented information, regardless of form or characteristic.
38. "DAYS" means calendar Days and shall be computed pursuant to A.R.S. §11-243.
39. "DEBARMENT" means an action taken by the County Manager under MC1-902 to prohibit a Person from participating in Maricopa County Procurements.
40. "DEFECTIVE DATA" means Data that is inaccurate, incomplete, outdated or misleading.
41. "DEPARTMENT" means the Office of Procurement Services.
42. "DESIGN-BID-BUILD" means a Procurement method in which sequentially a consultant under one Contract designs a project, the project is publicly Bid, and the lowest Responsive and Responsible Respondent constructs the project under a second and separate Contract.
43. "DESIGN-BUILD" means a Procurement method where one Contract is Awarded for both the design and Construction of a project. Design is normally accomplished prior to Construction but, design and Construction may occur simultaneously. There is a minimum project Cost for horizontal projects specified in state statutes before this procedure may be used.
44. "DESIGNEE" means a duly authorized representative of the Chief Procurement Officer.
45. "DESCRIPTIVE LITERATURE" means information available in the ordinary course of Business that shows the characteristics, Construction, or operation of an item Offered in a Bid or Proposal.
46. "DESIGN SPECIFICATION" means a Specification that sets forth physical characteristics in definitive terms.
47. "DIRECT TRANSFER" means the transfer of surplus or excess property from one County Governmental Unit to another without physically moving the property to the designated surplus

	MARICOPA COUNTY PROCUREMENT CODE	OFFICE OF PROCUREMENT SERVICES	
		Article 1	Date <u>DRAFT</u>
SUBJECT		GENERAL PROVISIONS	

property area.

48. "EARTH MOVING, MATERIAL HANDLING, ROAD MAINTENANCE, AND CONSTRUCTION EQUIPMENT" means a track-type tractor, motor grader, excavator, landfill compactor, wheel tractor scraper, off-highway truck, wheel loader or track loader, having a published manufacture's minimum unit list Price of \$50,000 or more and a minimum expected Life Cycle of three years.
49. "ELIGIBLE PROCUREMENT UNIT" means a Public Procurement Unit or a Public Educational or Public Health Institution.
50. "EMPLOYEE" means an individual drawing a salary from a County Governmental Unit, whether elected or not, and any uncompensated individual performing Services for any County Governmental Unit.
51. "ERRORS AND OMISSIONS (E & O) INSURANCE" means liability insurance to protect those providers of Services from claims arising out of negligent acts, errors or omissions, or breach of the Contract during performance of the Contractual duties.
52. "ESTABLISHED CATALOG PRICE" means the Price included in a catalog, Price list, schedule or other form that:
 - Is regularly maintained by a manufacturer, distributor or Contractor.
 - Is either published or otherwise available for inspection by customers.
 - States Prices at which sales are currently or were last made to a significant number of any category of buyers constituting the general buying public for the Commodities or Services involved.
53. "EXCESS MATERIALS" means any materials which have a remaining useful life but which are no longer required by the Using Agency in possession of the materials.
54. "EXCESS FIXED ASSETS" means any personal property which has a remaining useful life but ~~which~~ are no longer required by the Using Agency in possession of the Fixed Assets.
55. "EXPENDABLE COMMODITIES" means all tangible Commodities other than Fixed Assets.
56. "EXTERNAL PROCUREMENT ENTITY" means any buying organization, regardless of location, that would qualify as a Public Procurement Unit.
- 56-57. "FILED" means delivery to the Procurement Officer or to the Chief Procurement Officer, whichever is applicable. A time/date stamp affixed to a document by the office of the Procurement Officer or the Chief Procurement Officer, whichever is applicable, shall be determinative of the time of delivery for purposes of filing.

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
	SUBJECT		Article 1	Date DRAFT
GENERAL PROVISIONS				

- | ~~57-58.~~ "FINISHED GOODS" mean units of manufactured product awaiting sale.
- | ~~58-59.~~ "FIXED ASSETS" means Commodities as defined for movable equipment in the Maricopa County Property Manual.
- | ~~59-60.~~ "FIXED PRICE-CONTRACT" means a Price not subject to any adjustments by the Contractor in performing a Contract.
- | ~~60-61.~~ "FUNCTIONAL SPECIFICATION" means a Specification that sets forth the specific operational requirements or results.
- | ~~61-62.~~ "GRANT" means the transfer of funds, property or Services to a County Governmental Unit.
- | ~~62-63.~~ "INCREMENTAL AWARD" means an Award of portions of a definite quantity requirement to more than one Contractor. Each portion is for definite quantity and the sum of the portions is the total definite quantity required.
- | ~~63-64.~~ "INFORMATION SYSTEMS" means a system of hardware, software or related support with a Price of more than \$100,000 that process information, data or processing methods and devices.
- | ~~64-65.~~ "INVITATION FOR BIDS", means, except for Construction, all documents including detailed scope of work and/or technical Specifications whether attached or incorporated by reference, which are used for soliciting Bids in accordance with the procedures prescribed in Section MC1-315.
- | ~~65-66.~~ "INVITATION TO NEGOTIATE" means a written Solicitation for sealed Offers to select one or more vendors with which to commence Negotiations for the Procurement of unique Commodities or Services described in the Solicitation. The outcome of this process is selection of the response that represents the Best Value to the County in accordance with the procedures prescribed in Section MC1-345.
- | ~~66-67.~~ "JOB-ORDER-CONTRACTING" means a type of "on-call" Construction Contract. This type of Contract is limited to three years by state statute. The Contract is Awarded by the Board of Supervisors.
- | ~~67-68.~~ "LETTER OF INTEREST (LOI)" means information submitted in response to a public advertisement and used by the County to identify firms for further Procurement consideration, may also be referred to as expressions of interest.
- | ~~68-69.~~ "LIFE CYCLE" means the useful life of the Material, equipment or systems to the original Using Agency to perform the application for which it was initially procured.
- | ~~69-70.~~ "LIMITED SCOPE CONSTRUCTION PROCUREMENT" means statutory dollar limited

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
	SUBJECT		Article 1	Date DRAFT
GENERAL PROVISIONS				

Construction with a simplified Bid process. Contracts are Awarded by the Chief Procurement Officer.

- | ~~70~~.71. "LITIGATION" means all judicial, administrative, alternative dispute and mediation proceedings or hearings.
- | ~~71~~.72. "LIQUIDATED DAMAGES" means damages provided under a Contract in a sum certain to be awarded to the County if a Contractor fails to perform as agreed.
- | ~~72~~.73. "MARICOPA COUNTY PLAN OF OPERATION" means the agreement for acquiring surplus property between Maricopa County and the Federal surplus property and/or State Surplus Property Agency.
- | ~~73~~.74. "MINOR INFORMALITY" means mistakes, excluding judgmental errors, that have negligible effect on Price, quantity, quality, delivery, or other Contractual terms and the waiver or correction of such mistake does not prejudice other Respondents.
- | ~~74~~.75. "MULTIPLE AWARD" means an Award of an indefinite quantity Contract for one or more similar Commodities or Services to more than one Respondent.
- | ~~75~~.76. "MULTI-STEP COMPETITIVE SEALED PROPOSALS" means the Solicitation process set forth in MC1-340 through MC1-343.
- | ~~76~~.77. "MULTI-STEP SEALED BIDDING" means a two phase process consisting of a technical first phase composed of one or more steps in which Respondent submits unpriced Technical Proposals to be evaluated, and a second phase in which those Respondents whose Technical Proposals were determined to be acceptable during the first phase have their Price Offers considered.
- | ~~77~~.78. "NEGOTIATIONS" means an exchange of information or any form of communication during which the Respondent and the County may alter or otherwise change the conditions, terms, and Price, unless prohibited, of the proposed Contract. Negotiations may be conducted in connection with Competitive Sealed Proposals, Review Of Qualifications, small purchases, sole source Procurements, emergency Procurements, and special Procurements or Contract amendments.
- | ~~78~~.79. "NOTICE OF AWARD" means a letter from a County Governmental Unit advising the Respondent of the Award of a Contract.
- | ~~79~~.80. "NOTICE TO PROCEED" means a letter from the County Governmental Unit authorizing the Contractor to start the work specified in the Contract.
- | ~~80~~.81. "OFFER" means a Proposal of terms, either solicited or unsolicited, made with the purpose of securing or modifying a Contract.

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
			Article 1	Date DRAFT
SUBJECT		GENERAL PROVISIONS		

- | ~~81-82.~~ "PAYMENT BOND" means a form of security required to be provided by a Contractor for the protection of claimants supplying labor and/or Commodities to the Contractor or their subcontractors.
- | ~~82-83.~~ "PERFORMANCE BOND" means a form of security provided by a Contractor that secures the Contractor's obligation to properly complete their work in accordance with the Contract.
- | ~~83-84.~~ "PERFORMANCE SPECIFICATION" means a Specification that sets forth a predefined criteria or objective to be met.
- | ~~84-85.~~ "PERSON" means any corporation, Business, individual, union, committee, club, other organization or group of individuals.
- | ~~85-86.~~ "PRICE" means, for the purposes of the Code, the total expenditure for a defined quantity of a Commodity or Service.
- | ~~86-87.~~ "PRICE ANALYSIS" means the evaluation of Price Data, without analysis of the separate Cost components and profit as in Cost Analysis, which may assist in arriving at Prices to be paid and Costs to be reimbursed.
- | ~~87-88.~~ "PRICE DATA" means information concerning Prices, including profit, for Commodities, 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.
- | ~~88-89.~~ "PROCUREMENT" means buying, purchasing, renting, leasing or otherwise acquiring any information, Commodities, Services or Construction. Procurement also includes all functions that pertain to the obtaining of any Commodities, Service, or Construction, including description of requirements, selection and Solicitation of sources, preparation and Award of Contract, and all phases of Contract administration.
- | ~~89-90.~~ "PROCUREMENT OFFICER" means any Person duly authorized by the Chief Procurement Officer to engage in specific limited Procurement activity acting within the limits of authority under this Code.
- | ~~90-91.~~ "PROFESSIONAL SERVICES" means Services approved by the Board of Supervisors and listed in MC1-203.C as appropriate for Procurement pursuant to MC1-355 which require the application of specialized or advanced training, experience, or skills or qualifications in a given field of science or learning that has been generally accepted as a profession and where the final product or result may not be accurately predicted.
- | ~~91-92.~~ "PROPOSAL" means a written Offer, solicited or unsolicited, for consideration as a basis for Awarding or modifying a Contract.

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
			Article 1	Date DRAFT
SUBJECT		GENERAL PROVISIONS		

- | ~~92-93.~~ “PROPRIETARY SPECIFICATION” means 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, or functional characteristics from being responsive to the Solicitation.

- | ~~93-94.~~ “PUBLIC EDUCATIONAL OR PUBLIC HEALTH INSTITUTION” means any educational or Public Health Institution, no part of the income of which is distributable to its members, directors or officers, as defined in rules promulgated by the Board of Supervisors.

- | ~~94-95.~~ “PUBLIC PROCUREMENT UNIT” means a County Governmental Unit or any political subdivision and any agency, board, department or other instrumentality of such political subdivision.

- | ~~95-96.~~ “PURCHASE DESCRIPTION” means the language used in a Solicitation to describe the Commodities or Services to be acquired and includes Specifications attached to, or made a part of, the Solicitation.

- | ~~96-97.~~ “PURCHASE REQUEST” means a document, electronic transmission, or other form as specified by the Chief Procurement Officer, whereby a Using Agency specifies a need, and may include, but is not limited to, the description of the requested item, funding source, delivery schedule, transportation data, suggested criteria for evaluation, suggested sources of supply, and information supplied for the making of any Written Determination required by this Code.

- | ~~97-98.~~ “PURCHASING AGENCY” means Maricopa County Office of Procurement Services Department or any County Governmental Unit delegated by the Chief Procurement Officer to engage in specific Procurement activity within the limits of authority under this Code.

- | ~~98-99.~~ “QUALIFIED PRODUCTS LIST” means an approved list of Commodities described by the manufacturer by model or catalog numbers, that Maricopa County has determined will meet the applicable Specification requirements prior to a competitive Solicitation.

- | ~~99-100.~~ “RAW MATERIALS” means Commodities, excluding equipment and machinery, purchased for use in manufacturing a product.

- | ~~100-101.~~ “REGIONAL AWARD” means the division of a Contract for one or more similar Commodities or Services into geographic regions.

- | ~~101-102.~~ “REQUEST FOR INFORMATION” means a formal process used to gather Data from the vendor community which may or may not be used in a future Solicitation.

- | ~~102-103.~~ “REQUEST FOR PROPOSAL” means the Solicitation issued in accordance with in MC1-328 through MC1-339.

- | ~~103-104.~~ “REQUEST FOR QUOTATION” means an informal Solicitation used to obtain written or verbal responses without formal advertising in accordance with MC1-346.

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
			Article 1	Date DRAFT
SUBJECT		GENERAL PROVISIONS		

404.105. "REQUEST FOR TECHNICAL PROPOSAL" means the Solicitation issued in accordance with MC1-326.

405.106. "RESIDUAL VALUE" means the guaranteed minimum value offered by the Respondent at the end of the Life Cycle of the material, equipment or systems being procured.

406.107. "RESPONDENT" means any individual, corporation, partnership, or Business entity, organization or agency which responds to a Bid, Proposal, Solicitation, Offer, or any other invitation or request which Maricopa County invites a Person to participate.

407.108. "RESPONSIBLE RESPONDENT" means a Respondent who has the Capability to perform the Contract requirements and the integrity and reliability which will assure good faith performance pursuant to MC1-360.

408.109. "RESPONSIVE RESPONSE" means a response to a Solicitation which conforms to the Solicitation in all material respects.

409.110. "REVIEW OF QUALIFICATIONS" means the Solicitation procedure set forth in MC1-355.D.3.

440.111. "SAMPLE" means an item furnished by a Respondent to show the characteristics of the item offered in the Solicitation.

444.112. "SERVICES" means the furnishing of labor, time or effort by a Contractor ~~which that~~ does not involve the delivery of a specific end product other than required reports and performance. A Service does not include employment agreements or collective bargaining agreements.

113. "SIGNIFICANT PROCUREMENT ROLE" means any role that includes any of the following duties:

- Participating in the development of a Procurement as defined in this Code.
- Participating in the development of evaluation criteria or evaluation tools.
- Approving a Procurement as defined in this Code.
- Soliciting quotes greater than five thousand dollars for the provision of Commodities, Services or Construction.
- Serving as a technical advisor or evaluator who evaluates a Procurement.

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
	SUBJECT		Article 1	Date <u>DRAFT</u>
GENERAL PROVISIONS				

- Recommending or selecting a vendor that will provide Commodities, Services or Construction to Maricopa County.
- Serving as a decision maker or designee on a protest or an appeal by a party regarding a Procurement selection or decision.

442.114. "SIMPLIFIED CONSTRUCTION PROCUREMENT PROGRAM" means Construction limited to \$100,000 including all Change Orders subsequent to Award. Invitations for Bids shall be sent to Contractors listed on the Construction Contractor register. The Contracts are Awarded by the Chief Procurement Officer.

443.115. "SOLICITATION" means an Invitation For Bids, a Request For Technical Proposal, a Request For Proposals, a Request For Quotations, reverse auction or any other invitation or request by which Maricopa County invites a Person to participate in a Procurement.

444.116. "SPECIFICATION" means any description of the physical or functional characteristics, or of the nature of a material, Service or Construction item. Specification may include a description of any requirement for inspecting, testing, or preparing a material, Service or Construction item for delivery.

445.117. "SPECIFICATION FOR A COMMON OR GENERAL USE ITEM" means a Specification that has been developed and approved for repeated use in Procurement pursuant to MC1-404.A.

446.118. "STANDARD COMMERCIAL MATERIAL" means material that, in the normal course of Business, is customarily maintained in stock or readily available by a manufacturer, distributor or dealer for the marketing of such material.

447.119. "SURPLUS MATERIALS" means any materials or Fixed Assets that no longer have any use to Maricopa County. This includes obsolete and scrap materials.

448.120. "SUSPENSION" means an action taken by the County Manager under MC1-902 temporarily disqualifying a Person from participating in Maricopa County Procurements.

449.121. "TECHNICAL PROPOSAL" means unpriced written information from a Respondent stating the manner in which the Respondent intends to perform certain work, its qualifications, and its terms and conditions as set forth in MCI-326.

420.122. "TELECOMMUNICATIONS SYSTEMS" means a system with a Price of more than \$100,000 including but not limited to all instrumentalities, facilities, apparatus and Services, for the transmission and reception of messages, impressions, signs, signals, pictures, sounds or any other symbols by wire, radio, optical cable, electromagnetic or other similar means.

424.123. "TOTAL COUNTY COST" means Costs to Maricopa County for Commodities, equipment,

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
			Article 1	Date DRAFT
SUBJECT		GENERAL PROVISIONS		

systems or Services. Costs which maybe included are maintenance Costs, present value of monies, Vendor Charges, energy, facilities, personnel, finance Costs or other identifiable Maricopa County Costs.

422.124. "TOTAL LIFE CYCLE COST" means Vendor Charges, Total County Costs and financing Costs throughout the Life Cycle of the Commodities, equipment or systems being purchased less any applicable Residual Value.

423.125. "TWO-STEP COMPETITIVE NEGOTIATION" means the Solicitation procedure as set forth in MC1-355.D 2.

424.126. "UNIT PRICE" means a Price under which the Contractor is paid a Price for the selected unit for goods or service (e.g. pound, ton, hours).

425.127. "UNIT PRICE CONTRACTS" means a Contract which establishes the basis for payment as a Cost per unit. A Unit Price Contract may incorporate a number of items each with a different unit Cost. Unit Price Contracts are normally Bid based upon an estimated quantity of work or units for each specified Bid item. Actual payment is based on the total of actual units produced and delivered multiplied by the Contract Unit Price.

426.128. "URGENT NEED" means requiring immediate attention.

427.129. "USING AGENCY" means any County Governmental Unit which utilizes any Commodities, Services or Construction procured under this Code.

428.130. "VENDOR CHARGES" means Costs of all Vendor Support, Commodities, transportation and all other identifiable Costs associated with the Response to a Solicitation.

429.131. "VENDOR SUPPORT" means Services provided by the vendor for items such as consulting, education, maintenance, training, management of the information systems or Telecommunications Systems, systems planning, development and integration.

430.132. "WRITTEN DETERMINATION" means a written decision resolving a question or controversy, or finalizing a position within the limits of authority under this Code.

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
			Article 1	Date <u>DRAFT</u>
SUBJECT		GENERAL PROVISIONS		

MC1-102 APPLICABILITY

- A. This Code applies to every expenditure of public monies, including federal assistance monies, except as otherwise specified in Article 10, by this County, acting through a County Governmental Unit under any Contract, except that this Code does not apply to Contracts between this County and other political subdivisions or other governments, except as provided in Article 10 of this Code. This Code also applies to the inventory and disposal of County Commodities. Nothing in this Code or in regulations or policies and procedures adopted under this Code shall prevent any County Governmental Unit from complying with the terms and conditions of any Grant, gift, bequest or cooperative agreement.
- B. The provisions of this Code are not applicable to Contracts for professional witnesses or experts if the purpose of such Contract is to provide testimony or advice relating to an existing or probable Litigation in which this County is or may become a party or for Contracts of special investigative Services for law enforcement purposes.
- C. The provision of this Code are not applicable when Maricopa County is the recipient of funds from another entity (public or private), and when as a condition of the receipt of such funds, all or a portion of the funds are sub-contracted out to a prior designated Person, the resulting sub-contract(s) shall not be subject to any of the competitive Procurement requirements of this Code.
- D. Agreements negotiated by legal counsel representing this County in settlement of existing or probable Litigation are exempt from the provisions of this Code.
- E. Souvenirs, sundries and publications purchased for resale through the County Parks Enhancement, Donation and Souvenir Fund are exempt from the provisions of this Code.
- F. The provisions of this Code are not applicable to the purchase or water, gas or electric utilities
- F-G. The provisions of the Code are not applicable to professional certifications, professional memberships and conference registrations.
- F. Revenue contracts shall procured with such competition as practical.

MC1-103 WRITTEN DETERMINATIONS

- A. Each Written Determination shall specify the reasons for the determination.
- B. The Chief Procurement Officer is authorized to prescribe methods and operational procedures to be used in preparing Written Determinations.

	MARICOPA COUNTY PROCUREMENT CODE		OFFICE OF PROCUREMENT SERVICES	
			Article 1	Date DRAFT
SUBJECT		GENERAL PROVISIONS		

- C. Each Written Determination shall be filed in the applicable Solicitation or Contract file, and the timing of such filing shall be determined by the Procurement Officer.

MC1-104 CONFIDENTIAL INFORMATION

- A. If a Respondent believes that a Bid, Proposal, Offer, Specification, or protest contains information that should be withheld from public disclosure, a detailed statement advising the Procurement Officer that explains and supports Respondent's claim shall accompany the submission and the statement shall specifically identify everywhere this information appears. The Respondent's claim shall include the period of time the information will remain confidential.
- B. The Chief Procurement Officer shall make a Written Determination, within a reasonable time, whether the Respondent's claim shall be honored.
- C. If the Chief Procurement Officer determines to reject the Respondent's claim, the Chief Procurement Officer shall inform the Respondent in writing of such determination.

MC1-105 CONTRACTING REQUIREMENTS

- A. Unless specifically delegated by the Board of Supervisors or authorized by this Code, all Contracts must be approved by the Board of Supervisors.
- B. Payment for any Commodities, Services or construction shall not be made unless pursuant to a written Contract procured under this Code.
- C. A Procurement Officer shall not incur an obligation on behalf of Maricopa County if sufficient funds are not available.