

761—20.2(307) Definitions. As used in this chapter, unless the context otherwise requires:

“*Bidder*” means a respondent to a solicitation as a bidder, offeror or contractor.

“*Competition*” means the efforts of three or more parties acting independently to secure a contract with the department to provide equipment, materials, supplies or services to the department by offering or being in a position to offer the most favorable terms. “Favorable terms” includes, but is not limited to: price, speed of execution, anticipated quality of the product to be provided judged according to the expertise and experience of the provider, or ability to produce a desired result or to provide a desired commodity.

“*Department*” means the Iowa department of transportation.

“*Firm*” means any bona fide contracting entity, including individuals and educational institutions.

Except for educational institutions, the term shall not include governmental agencies or political subdivisions.

“*Methods of procurement*” means formal advertising, limited solicitation, or negotiation as follows:

1. “*Formal advertising*” means procurement by competition and awards involving the following basic steps:

- Preparing a solicitation that describes the requirements of the department clearly, accurately and completely but avoids unnecessarily restrictive specifications or requirements which might unduly limit the number of responses.

- Distributing the solicitation to prospective bidders and advertising in appropriate media in sufficient time to enable prospective bidders to prepare and submit responses before the time set for public opening of responses.

- Receiving responses submitted by prospective contractors.

- Awarding the contract, after responses are publicly opened, to that responsible bidder whose response conforms to the solicitation and is the most advantageous to the department, price and other factors considered.

2. “*Limited solicitation*” means procurement by obtaining a sufficient number of quotations, bids or proposals from qualified sources:

- As is deemed necessary to ensure that the procurement is fair to the department, price and other factors considered, including the administrative costs of the procurement.

- As is consistent with the nature and requirements of the particular procurement.

- So that the procurement is competitive to the maximum practicable extent.

3. “*Negotiation*” means any method of procurement other than formal advertising or limited solicitation to seek the best and final offer which is most advantageous to the department.

“*Professional and technical services*” means services that are unique, technical, or infrequent functions performed by independent contractors whose occupation is the rendering of such services. Contracts may go to partnerships, firms, or corporations as procured through formal advertising, solicitation or negotiation methods outlined in rules 761—20.3(307) through 761—20.6(307) and architectural, landscape architectural, surveying, general engineering consultant, construction inspection, or engineering services and other related professional and technical services as outlined in rule 761—20.10(307).

“*Response*” means the submittal of written documents by a prospective bidder, offeror or contractor as a response to any type of solicitation issued by the department for a quotation, bid or proposal.

“*Solicitation*” means the request by the department for a quotation, bid or proposal. This includes but is not limited to the complete assembly of related documents (whether attached or incorporated by reference) furnished to prospective bidders for the purpose of responding to a solicitation.

[ARC 4341C, IAB 3/13/19, effective 4/17/19]