

CHAPTER 2 - ADMINISTRATION

Sec. 2-306. Procurement; definitions.

The words defined in this Section shall have the meanings set forth below whenever they appear in this Code, unless:

- (a) the context in which they are used clearly requires a different meaning; or
- (b) a different definition is prescribed for a particular Article or provision.

Blind Trust means an independently managed trust in which the employee-beneficiary has no management rights and in which the employee-beneficiary is not given notice of alterations in, or other dispositions of, the property subject to the trust.

Business means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

Change Order means a written order signed by the Procurement Officer, directing the contractor to make changes which the Changes clause of the contract authorizes the Procurement Officer to order without the consent of the contractor.

Code means this Procurement Code, Peoria City Code Sections 2-301 to 2-399.

Cooperative Purchasing means procurement conducted by, or on behalf of, one or more Public Procurement Units, as defined in this Code.

Confidential Information means any information which is available to an employee only because of the employee's status as an employee of this city and is not a matter of public knowledge or available to the public on request.

Conspicuously means written in such special or distinctive format, print, or manner that a reasonable person against whom it is to operate ought to have noticed it.

Construction means the process of building, altering, repairing, improving, or demolishing any public infrastructure facility, including any public structure, public building, or other public improvements of any kind to real property. It does not include the routine operation, routine repair, or routine maintenance of any existing public infrastructure facility, including structures, buildings, or real property.

Contract means all types of city agreements, regardless of what they may be called, for the procurement or disposal of supplies, services, or construction.

Contract Modification means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

Contractor means any person having a contract with a governmental body.

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Cost-Reimbursement Contract means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this Code, and a fee, if any.

Data means recorded information, regardless of form or characteristic.

Designee means a duly authorized representative of a person holding a superior position.

Debarment: the disqualification of a vendor to receive invitations for bids or the award of a contract by the city for a specified period of time, not to exceed three (3) years, commensurate with the seriousness of the offense resulting from conduct or failure or inadequacy of performance.

Direct or Indirect Participation means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

Electronic means electrical, digital, magnetic, optical, electromagnetic, or any other similar technology.

Employee means an individual drawing a salary from a governmental body, whether elected or not, and any noncompensated individual performing personal services for any governmental body.

Emergency purchase procurement when supplies or services are needed for a situation where the health, safety or welfare of the public is endangered if immediate corrective or preventative action is not taken.

Exempt Purchase means a procurement that the City Manager or his designee, up to an amount specified in this code, has determined that the best interest of the city requires being exempt from this code.

Established Catalogue Price means the price included in a catalogue, price list, schedule, or other form that:

- (a) is regularly maintained by a manufacturer or contractor;
- (b) is either published or otherwise available for inspection by customers; and
- (c) states prices at which sales are currently or were last made to a significant number of any categories of buyers or buyers constituting the general buying public for the supplies or services involved.

Excess Supplies means any supplies other than expendable supplies having a remaining useful life but which are no longer required by the Using Agency in possession of the supplies.

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Expendable Supplies means all tangible supplies other than nonexpendable supplies.

Financial Interest means:

- (a) ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive compensation
- (b) ownership of such interest in any property or any business or
- (c) holding a position in a business such as an officer, director, trustee, partner, employee, or the like, or holding any position of management.

Governmental Body means any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment or official of the executive, legislative, or judicial branch of this City.

Grant means the furnishing by the City of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award whose primary purpose is to procure an end product, whether in the form of supplies, services, or construction; a contract resulting from such an award is not a grant but a procurement contract.

Gratuity means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

Immediate Family means a spouse, children, parents, brothers and sisters, etc.

Invitation for Bids means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

Local Public Procurement Unit means any county, city, town, and any other subdivision of the State or public agency of any such subdivision, public authority, educational, health, or other institution, and to the extent provided by law, any other entity which expends public funds for the procurement of supplies, services, and construction, and any nonprofit corporation operating a charitable hospital.

Local vendor means a vendor having an office within the corporate limits of the city.

Materials Manager means the person holding the position of the Materials Manager, as the head of the central procurement office of the City.

May denotes the permissive.

Nonexpendable Supplies means all tangible supplies having an original acquisition cost of over \$100 per unit and a probable useful life of more than one year.

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Official Responsibility means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, or otherwise direct city action.

Person means any business, individual, union, committee, club, other organization, or group of individuals.

Procurement means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Procurement Officer means any person duly authorized to enter into and administer contracts and make written determinations with respect thereto. The term also includes an authorized representative acting within the limits of authority.

Professional Services are services of those individuals, regardless of whether self employed or employed within a business entity, who through special learning or attainment have acquired intellectual skills and qualifications in a particular area of endeavor that has been generally accepted as a profession and which requires a prolonged course of specialized instruction and study, including: architects; attorneys; certified public accountants; clergy; construction and project managers; dentists; engineers; geologists; physicians; nurses; psychologists; teachers; veterinarians and health care facilities which provide a combination of professional and para-professional services.

Public Notice means the distribution or dissemination of information to interested parties using methods that are reasonably available. Such methods will often include publication in newspapers of general circulation, electronic or paper mailing lists, and web site(s) designated by the city and maintained for that purpose.

Public Procurement Unit means any one of the following:

- (a) a Local Public Procurement Unit,
- (b) a State Public Procurement Unit, and
- (c) any not-for-profit entity comprised of more than one Unit or Activity listed in subparagraphs (a), (b), or (c)
- (d) any Federal Agency.

Purchase Request means that document whereby a Using Agency requests that a contract be entered into for a specified need, and may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation, suggested sources of supply, and information supplied for the making of any written determination required by this Code.

Purchasing Agency means any department other than Materials Management which is

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authorized by this Code or its implementing regulations, or by way of delegation from the Materials Manager, to enter into contracts.

Purchase Description means the words used in a solicitation to describe the supplies, services, or construction to be purchased, and includes specifications attached to, or made a part of the solicitation.

Regulation means a governmental body's statement, having general or particular applicability and future effect, designed to implement, interpret, or prescribe law or policy, or describing organization, procedure, or practice requirements, which has been promulgated in accordance with the City Procurement Code.

Request for Proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible Bidder or Offeror means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

Responsive Bidder means a person who has submitted a bid which conforms in all material respects to the Invitation for Bids or Request for Proposals.

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. This term shall not include employment agreements or collective bargaining agreements.

Shall denotes the imperative.

Signature means a manual or electronic identifier, or the electronic result of an authentication technique attached to or logically associated with a record that is intended by the person using it to have the same force and effect as a manual signature.

Specification means any description of the physical or functional characteristics, or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

Supplies means all property, including but not limited to equipment, materials, printing, insurance, and leases of real property, excluding land or a permanent interest in land.

Surplus Supplies means any supplies other than expendable supplies no longer having any use to the city. This includes obsolete supplies, scrap materials, and nonexpendable supplies that have completed their useful life cycle.

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State Public Procurement Unit means the Office of the Chief Procurement Officer of this or any other State and any other Purchasing Agency of this State or any other State.

Using Agency means any governmental body of the city which utilizes any supplies, services, or construction procured under this Code.

Written or In Writing means the product of any method of forming characters on paper, other materials, or viewable screens, which can be read, retrieved, and reproduced, including information that is electronically transmitted and stored.

ABA Model Procurement Code Reference 01-301

(Ord. No. 91-09, 2/12/91)

(Ord. No. 99-13, 4/6/99, Amended, added (h) amended existing (i), (j), (m), (q) & added (w)

(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

(Ord. No. 08-01, 01/15/08, Amended) SUPP 2008-1