

Colorado Judicial Department Financial Services Division

Purchasing Fiscal Rules



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The Colorado Supreme Court approves the fiscal policies and procedures, and subsequent amendments, established by the State Court Administrator, pursuant to the requirements of Section 13-3-106 (2), C.R.S. Each court of record, including judicial officers, probation departments, and Judicial Department personnel, shall comply with the fiscal policies and procedures established by the State Court Administrator. Upon a showing that extraordinary circumstances prevent a court or probation office from complying with a fiscal policy or procedure, the director of the financial services division may waive the application of the policy or procedure and may require a compensating control

This document prescribes the fiscal rules for purchasing and related activities of the Colorado Judicial Department. As a separate branch of government, the Judicial Department is not bound by the Colorado Procurement Code (Section 24-101-101 et. seq., C.R.S.), and/or the associated Procurement Rules. Accordingly, this document has been prepared for the following purposes:

- *To establish a set of policies, procedures, and guidelines the Judicial Department will use to conduct its purchases of products and service.*
- *To ensure the fair and equitable treatment of all persons who deal with the Department's purchasing system.*
- *To foster effective broad-based competition.*

These Purchasing Fiscal Rules, hereafter referred to as the "Rules," apply to all acquisitions, including purchases, leases and rentals, that result in a disbursement of public funds by Colorado appellate and trial courts, state probation offices, and the State Court Administrator's Office. Public funds include all state moneys received by the Department, as well as all federal, local and private moneys, grants, gifts, or donations, except to the extent that another government jurisdiction's or grantor's requirements specify the purchasing rules and procedures to be followed. These Rules do not apply to the expenditure of public funds for construction services as defined by the Department of Personnel and Administration, State Buildings.

These Rules do not apply to the Denver County Court, Office of Attorney Regulation Counsel, Office of Judicial Discipline, Board of Continuing Legal and Judicial Education, Board of Law Examiners, Office of Attorney Registration, Office of the Alternate Defense Counsel, Office of the Child's Representative, and Office of the Public Defender.

These Rules do not apply to acquisitions for which no funds are expended or where the transaction is revenue-producing. However, even in such circumstances the Department should strive to maximize its return and to ensure fair and open competition by competitive bidding.

Unless displaced by the particular provisions of this document, the principles of law and equity, including the "Uniform Commercial Code," the law merchant, and any law relative to capacity to contract or to agency fraud, misrepresentation, duress, coercion, or mistake shall supplement the provisions of this document.

To the extent these Rules fail to provide adequate guidance in addressing or resolving a specific problem or question, the State Court Administrator, through the Director of Financial Services, will establish the fiscal rules to be followed.

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1. GENERAL REQUIREMENTS AND RESPONSIBILITIES

1.1 Good Faith and Ethical Conduct

1. All parties involved in the negotiation, performance, or administration of the Judicial Department's purchases, acquisitions, and contracts shall act in good faith and in accordance with the Colorado Judicial Branch Code of Conduct.
2. By way of example, but not as a limitation, a Judicial Department employee shall not derive private gain from the Department's purchasing activities. Employees shall not:
 1. Solicit or accept any fee, compensation, gift, payment of expenses, or any other thing of value under circumstances in which the acceptance may, or may appear to, improperly influence job performance.
 2. Use authority or influence to secure anything of value for private gain, monetary or otherwise.
 3. Use state time, property, equipment, or resources for private gain, monetary or otherwise.
 4. Influence or attempt to influence an official decision of the Judicial Department that may result in a monetary gain or other benefit to the employee; the employee's family member; or a person, business, organization, or entity with which the employee is associated.
 5. Obtain a contract in which the employee; an employee's family member; or a person, business, organization, or entity with which the employee is associated; has an interest, monetary or otherwise.
3. Vendors who offer gifts, entertainment, or other similar items under circumstances in which such offering may attempt, or have the appearance of attempting, to improperly influence the Department's purchasing decisions, shall be debarred from the purchasing process.
4. When, for any reason, collusion or other anti-competitive practices are suspected among any Department employees and/or vendors, a written notice of the relevant facts shall be transmitted to the Purchasing Manager.

1.2 Competition and Purchasing Value

1. Every effort shall be made to assure that all persons who desire to do business with the Department will have a fair and equal opportunity to compete in fulfilling the Department's needs.
2. The Department shall seek competition in an orderly and defined manner, where the choice of vendor is determined primarily by the price of the acquisition and, as appropriate, by taking into account product functionality, delivery conditions, payment terms, vendor performance and capabilities, and other factors as described in the solicitation.
3. All Department employees to whom purchasing responsibilities are delegated shall strive to maximize to the fullest extent practicable the purchasing value of the Department's funds.

1.3 Preferences

1. The Department does not afford preferences to resident bidders unless specified in the solicitation document.
2. The Department may afford a preference for environmentally preferable products, as defined in Section 24-103-207.5, C.R.S., if specified in the solicitation document.

1.4 Purchasing Administration

1. The State Court Administrator (SCA), consistent with statutory authority and responsibility, shall:
 1. Consider and implement, with approval of the Chief Justice, matters of policy related to purchasing by the Judicial Department.
 2. Be the final authority on matters relating to the application or interpretation of the rules, except as it may relate to a protest of any aspect of the solicitation and award process pursuant to [Protests of Award](#) (Section 6).
 3. Be the signature authority for all State Court Administrator's Office (SCAO) contracts and all contracts with Executive Branch agencies.
 4. Authorize all Department sole source purchases.
 5. Delegate purchasing authority and responsibility to division directors and other management staff as may be needed for purchases in their designated

areas of responsibility. Such delegation may include signature authority for purchase orders and, in limited circumstances, contracts.

2. The Director of the Financial Services Division (Director), to whom the SCA has delegated the authority and responsibility for the administration of the Department's purchasing function, shall assist the SCA to carry out his/her purchasing responsibilities, and shall have the authority to settle and resolve protests pursuant to [Protests of Award](#) (Section 6).
3. The Purchasing Manager, to whom the Director has delegated the responsibility for the day-to-day administration of the Department's purchasing program, has the following responsibilities:
 1. Act as the principal contact and primary source of information and assistance for all Purchasing Officials.
 2. Maintain and update the Purchasing Fiscal Rules.
 3. Develop and carry out a Department-wide program of assistance and training for Purchasing Officials, Project Managers, and other staff with purchasing responsibilities.
 4. Assign a solicitation number for every request for bid or proposal and every request for documented quote (DQ), regardless of whether or not the DQ is subsequently posted on BIDS).
 5. Post solicitations on the Bid Information and Distribution System (BIDS). See [Section 1.6](#).
 6. Where practical, establish price agreements for products or services, through a competitive process, for use by the trial courts, probation departments, and all other programs or divisions of the Judicial Department.
4. Purchasing Officials include District Administrators, Chief Probation Officers, Clerks of the Supreme Court and Court of Appeals, SCAO Division Directors, and other similar positions. These positions shall have the following authority and responsibilities:
 1. To administer the purchasing function within their jurisdictions in accordance with the Purchasing Fiscal Rules.
 2. To delegate day-to-day purchasing responsibilities and/or the management of specific purchasing projects, if desired; however, the overall responsibility for a purchasing project shall remain with the Purchasing Official.

3. To have a thorough understanding of the overall requirements of their purchasing project(s). With assistance from the Purchasing Manager as may be requested and, as appropriate, Judicial Business and Integrated Technology Services (JBITS) staff, Purchasing Officials' responsibilities include conducting market research, determining specifications (see [Section 4.2](#)), developing the solicitation document and evaluation criteria, and maintaining vendor relations during and after the solicitation process.
4. To maintain a file of purchasing records, identified by solicitation number, that shall include all requests for quotes, proposals and bids and the responses to same, including documents relating to any modifications or withdrawals, correspondence, determinations, justifications, evaluation materials, email, internal memoranda, contracts, and any and all other supporting documents and information pertaining to the purchase.
5. To retain all purchasing records and documents in accordance with the *Colorado Judicial Department Retention and Disposition Schedules & Imaging Procedures for Designated Records*.
5. Chief Judges and the Presiding Judge of the Denver Probate Court have the authority and responsibility for all fiscal matters within their jurisdictions, including the signing of contracts for district acquisitions, except contracts with Executive Branch agencies.

1.5 Public Access to Purchasing Records

1. After award, purchasing records and information are public records that shall be open to public inspection upon request, except as otherwise provided for below.
2. Prior to evaluation, a vendor may request nondisclosure of trade secrets and other proprietary data contained in a bid, or proposal.
 1. Any such request shall be made in writing to the Purchasing Official.
 2. The Purchasing Official shall consult with the Purchasing Manager to determine the validity of any written requests for nondisclosure.
 3. The Purchasing Official shall inform the vendor in writing what portions of the bid or proposal will be subject to disclosure and allow the vendor the opportunity to withdraw such information or data. If withdrawn, the vendor shall be advised in writing that the withdrawn information will not be included in the evaluation of their bid or proposal.

3. An entire bid or proposal, or the pricing portion of a bid or proposal, shall not be considered confidential or proprietary.
4. If the Department has approved a vendor's request that trade secrets or other proprietary data be held confidential, any material so designated must be readily identifiable and separable from the rest of the bid or proposal to facilitate public inspection of the non-confidential portion.
5. Information that may subsequently become a material part of any issued contract between the Department and the vendor shall not be considered confidential or proprietary.

1.6 Use of the Bid Information and Distribution System (BIDS)

1. The Bid Information and Distribution System (BIDS) is a web site designed to notify interested vendors of the State of Colorado's intent to purchase goods or services competitively. Vendors must register on BIDS to have access to the solicitations posted there. Vendors may find information and register on BIDS at the following web address: <https://www.gssa.state.co.us/VenSols>
2. Requests by vendors indicating a desire to compete for the Department's business does not guarantee they will be notified of the Department's solicitations. Enrollment in BIDS is the best way for vendors to assure themselves access to the Department's solicitations.
3. The Purchasing Manager shall review and post all Judicial Department Requests for Bids (RFB) and Requests for Proposals (RFP) on BIDS. Posting of Requests for Documented Quotes (RDQ) on BIDS is recommended but not required.
4. Purchasing Officials may solicit bids or offers from vendors not already registered on BIDS; however, only responses from vendors registered on BIDS shall be considered as valid responses to the Department's RFBs and RFPs.
5. If a solicitation posted on BIDS receives no responses, or if the Purchasing Official and/or the Purchasing Manager determines that a posting solely on BIDS will not yield adequate competition, the Purchasing Official in consultation with the Purchasing Manager, may use other notification methods in addition to BIDS as may be necessary to seek competition.
 1. Such methods may include, but are not limited to, advertisements in newspapers and trade magazines or through direct contact via various transmittal methods (email, letters, etc) with vendors that may provide the needed product or service.

2. The method(s) chosen and any contacts made shall be documented in writing by the Purchasing Official.
3. Vendors must still register and submit their bid or offer via BIDS.
6. When an award is made, the Purchasing Manager, upon written notification from the Purchasing Official, will promptly create and publish the appropriate award notice on BIDS.

1.7 Purchase of United States Flags

United States flags purchased for display at any State court or probation facility shall be made in the United States, pursuant to State statute.

2. PURCHASING METHODS

2.1 Summary of Purchasing Methods

Dollar Amount	Type of Purchase	Required Purchasing Method	Time Posted on BIDS	Alternate Purchasing Method	Purchasing Document
Up to \$10,000	Products	Discretionary Purchase	N/A	RDQ	Invoice, Purchase Order, or Contract as may be required by Judicial Department legal counsel.
Up to \$25,000	Services	Discretionary Purchase	N/A	RDQ, RFP, or RFB	Invoice, Purchase Order, or Contract as may be required by Judicial Department legal counsel.
\$10,001 - \$150,000	Products	Request for Documented Quotes (RDQ)	3 Business Days, if posted	RFB or RFP	Purchase Order or Contract, as may be required by Judicial Department legal counsel.
\$25,001 - \$150,000	Services	Request for Documented Quotes (RDQ)	3 Business Days, if posted	RFP or RFB	Purchase Order or Contract, as may be required by Judicial Department legal counsel.
Over \$150,000	Products	Request for Bids (RFB) or Request for Proposals (RFP)	14 Calendar Days	None	Contract
Over \$150,000	Services	Request for Proposals (RFP) or Request for Bids (RFB)	21 Calendar Days	None	Contract
Any	Products or Services	State Awards and Cooperative Purchasing Agreements	N/A	As listed above depending on type and value of purchase	Purchase Order or Contract, as may be required by Judicial Department legal counsel.
Any	Products or Services	Emergency Purchase	N/A	N/A	Verbal initially, then as listed above depending upon type and value of purchase.
Over \$10,000 for Products and \$25,000 for Services	Products or Services	Sole Source Purchase	N/A	N/A	Written documentation required. If over \$25,000, State Court Administrator must approve. Purchase Order or Contract, as may be required by Judicial Department legal counsel.

INFORMATION TECHNOLOGY PURCHASES REQUIRE SPECIAL TREATMENT. SEE [SECTION 2.7](#).

2.2 Determination of Method

1. The purchasing method to be used shall be based primarily on the cost of the required product or service, the ease or difficulty in determining and describing product or service specifications (see [Section 4.2](#)), and the need (or lack thereof) for formal evaluation procedures, as further described in this document.
2. A purchase that would otherwise require competition, by virtue of the anticipated cost, shall not be broken into separate smaller purchases.
 1. A purchase shall not be defined as a sole source purchase unless it specifically meets all the criteria of such purchases as defined in [Section 2.3.2](#).
 2. A purchase shall not be defined as an emergency purchase unless it specifically meets all the criteria of such purchases as defined in [Section 2.3.3](#).
3. Rental and lease agreements, lease purchases, and information technology purchases require special treatment. See [Section 2.6](#) and [Section 2.7](#).

2.3 Purchases Not Requiring Competition

1. Discretionary Purchases. No form of competition is required for purchases up to and including \$10,000 for products and \$25,000 for services; nonetheless, price competition may be advantageous. If so, it may be obtained by the use of a Request for Documented Quotes.
2. Sole Source Purchases. A sole source purchase shall be used when there is only one product or service that will meet the Department's need and there is only one vendor to provide that product or service. A requirement for a particular proprietary item (i.e., a brand name specification) does not justify a sole source purchase if there is more than one potential vendor for that item.
 1. The Purchasing Official shall prepare a written document that justifies a sole source purchase of any product over \$10,000 or service over \$25,000. This justification shall include sufficient facts, circumstances, and reasoning to substantiate that there is only one specific product or service that will meet the Department's need, that there is only one provider of that product or service, and an explanation as to why there are no other vendors suitable or acceptable to meet the need.
 2. The written justification for a sole source purchase of a product or service over \$25,000 shall be approved by the State Court Administrator prior to any

commitments being made. In cases of reasonable doubt, competition shall be solicited.

3. If a sole source purchase is approved, the Purchasing Official and/or the Purchasing Manager shall conduct, and document in writing, negotiations with the vendor to obtain the best possible conditions for the Department with regard to price, delivery, and terms.
3. Emergency Purchases. An emergency purchase may be required when the Department is faced with a situation that threatens or obstructs its functioning.
 1. Emergency purchases shall only be made when the existence of such a situation creates an immediate and serious need for products and/or services that cannot be met through normal purchasing methods, and the lack of which would seriously jeopardize the operation of the courts, probation departments, or other programs of the Department; the conduct of required and essential business; the preservation or protection of property; or the health or safety of any person or persons.
 2. Even in emergency situations, as much competition as is reasonable under the circumstances shall be obtained.
 3. Emergency purchases shall be limited to only the products and services specifically needed for resolving the emergency.
 4. The Purchasing Official shall promptly notify the Purchasing Manager if an emergency purchase is necessary.
 5. Upon resolution of the emergency, the Purchasing Official shall prepare a written document to justify the emergency purchase, which shall describe the facts and circumstances of the emergency and the reasoning for the services, products, and selection of the vendor(s) chosen to meet the emergency need.

2.4 Purchases Requiring Competition

1. Purchases estimated to range in price from \$10,001 to \$150,000 for products and from \$25,001 to \$150,000 for services shall be competitively bid through [Documented Quotes](#) (Section 3) or [Competitive Sealed Proposals and Bids](#) (Section 4) as appropriate.
2. Purchases of products and services estimated to exceed \$150,000 shall be made only through [Competitive Sealed Proposals and Bids](#) (Section 4).

2.5 State Awards and Cooperative Purchasing Agreements

The Judicial Department, in lieu of conducting its own competitive solicitations, may utilize competitively bid price agreements negotiated by the State Executive Branch or by other governmental entities or public purchasing units or consortiums when it is in the Department's best interest to do so.

1. State awards are competitively bid price agreements that are established by the State Purchasing Office in the Executive Branch and published on the Bid Information and Distribution System (BIDS) at the following website address: <http://www.gssa.state.co.us/PriceAwd.nsf/Published+Agreements+by+Category+for+Web?OpenView>
Note that while Executive Branch price agreements are available to the Judicial Department, the Procurement Rules listed on BIDS do not apply. Rather, it is this document, the Colorado Judicial Department Purchasing Fiscal Rules, which prescribes the policies and procedures for purchasing and related activities of the Colorado Judicial Department.
2. Cooperative purchasing agreements are competitively bid price agreements that are established by other governmental purchasing units or public purchasing consortiums. Cooperative purchasing may also include entering into ("tagging onto") a contract that resulted from a competitive purchasing process conducted by another governmental entity. Purchasing Officials may participate in cooperative purchasing agreements for the purchase of any products or services. To do so, contact the Purchasing Manager.
3. As time, requirements, and the quantities needed are considered, Purchasing Officials are strongly encouraged to utilize the Department's competitive process to obtain prices better than state awards and cooperative purchasing agreements.

2.6 Rental Agreements, Leases, and Lease Purchases

Rental agreements, leases, and lease purchases require special budget and accounting treatment. Therefore:

1. All rental agreements, leases, and lease purchase contracts and associated invoice payments shall be handled by the State Court Administrator's Office, unless otherwise authorized by the Judicial Department Controller and/or the Purchasing Manager.
2. Rental agreements, leases, and lease purchase contracts shall not to be entered into by the courts or probation departments.
3. Contact the Controller or Purchasing Manager if you need assistance in this area.

2.7 Information Technology (IT) Purchases

In addition to the requirements outlined in this document, all IT purchases (i.e., computers and computer equipment) are subject to all requirements established by the Judicial Business Integrated Technology Services (JBITS) Division. In addition, IT purchases of \$25,000 or more shall be approved by the governor's office, pursuant to statutory requirements.

2.8 Request for Information (RFI)

An RFI is used to gather information about a product, service, industry, or vendor when there is not enough information readily available to write adequate specifications. An RFI may ask for vendor input to assist the Department in preparing specifications and estimating cost or pricing for a subsequent solicitation. It may also be used to pre-determine the capabilities or qualifications of vendors to meet a certain need. This process is also known as a Request for Qualifications (RFQ).

1. An RFI shall not result in vendor selection or award. This shall be clearly stated in the RFI.
2. When it is desirable to issue an RFI, contact the Purchasing Manager for assistance.

3. DOCUMENTED QUOTES

1. A Request for Documented Quotes (RDQ) shall be used for purchases estimated to range in price from \$10,001 to \$150,000 for products or \$25,001 to \$150,000 for services, and when product or service specifications are known, easy to define, and subject to an informal evaluation process based primarily on cost/price.
2. An RDQ shall only be issued when there is a valid purchasing need. RDQs shall not be issued to obtain estimates or to "test the water." If such action is necessary, see [Section 2.8](#).
3. The RDQ shall be prepared by the Purchasing Official, with assistance from the Purchasing Manager as may be desired.
4. An RDQ shall include specifications (see [Section 4.2](#)), a delivery or performance schedule, payment and billing requirements, bid submission and other pertinent deadlines, evaluation factors in addition to price (if any), and other applicable terms, conditions, and requirements.
5. Posting of RDQs on Bid Information and Distribution System (BIDS) is recommended but not required.
 1. If posted on BIDS, the RDQ shall be posted for at least three (3) business days. The Purchasing Manager shall assign a solicitation number and post the RDQ on BIDS.
 2. If BIDS is not used, the Purchasing Official shall solicit and obtain quotes from three (3) or more vendors.
6. A written reply (or "documented quote") via email, postal mail, or fax, that addresses the requirements stated in the RDQ must be received in accordance with submission deadline.
 1. Documented quotes via telephone shall not be accepted.
 2. Hand-written replies shall not be accepted.
7. After the submission deadline, the Purchasing Official may negotiate with vendors that have submitted a quote. The purpose of these negotiations shall be to promote understanding of the Department's requirements and the quotes, so as to make the quotes acceptable and more advantageous to the Department.

8. The Purchasing Official may determine whether or not a vendor's response is acceptable, and may compare the relative value of competing quotes, considering price and, as may be applicable, other factors.
9. Award shall be made to the vendor whose quote is determined by the Purchasing Official to be most advantageous to the Department, with price/cost being the primary (though not necessarily the sole) consideration.
10. No formal evaluation process is required; however, the Purchasing Official shall document in writing the facts, circumstances, and reasoning to substantiate the award decision and, if applicable, to explain any factors other than price that led to the decision.
11. If the BIDS system was used, the Purchasing Official shall inform the Purchasing Manager of the award decision.
 1. The Purchasing Manager shall subsequently post the results on BIDS.
 2. If BIDS was not used, the Purchasing Official shall inform, in writing, all vendors who submitted documented quotes of the award decision.
12. As may be required, the Purchasing Official and the successful vendor shall cooperate with the Judicial Department Legal counsel and the Purchasing Manager to develop a written contract.

4. COMPETITIVE SEALED PROPOSALS AND BIDS

Sealed competitive proposals and bids are solicited, respectively, through Requests for Proposals (RFPs) and Requests for Bids (RFBs). “*Sealed*” refers to the fact that the proposal or bid (that is, a vendor’s response to the RFP or RFB) is kept sealed in an envelope or package until an official “opening” all of responses. As described in this section, many requirements for RFPs and RFBs are substantially the same; however, there is a significant difference with regard to how the responses are evaluated and, subsequently, how the winning vendor is chosen. See [Evaluation of Proposals and Bids](#) (Section 5).

4.1 General Requirements

1. A Request for Bid (RFB) shall be used for purchases of products or services estimated to cost over \$150,000 and when specifications and other criteria are known and can be objectively stated and evaluated with no, or a minimal, degree of subjectivity.
2. A Request for Proposal (RFP) shall be used when purchasing services or products estimated to cost over \$150,000 and when one or more of the factors below exist.
 1. Exact specifications and other criteria are not known.
 2. It is in the Department’s best interest to provide for a subjective evaluation of offers.
 3. The primary considerations in determining the award may be factors other than price alone.
 4. It may be necessary to conduct oral or written discussions with responding vendors concerning technical and price aspects of their proposals.
 5. It may be necessary to afford responding vendors the opportunity to revise their proposal.
 6. It is advantageous to the Department to revise proposals after discussions with responding vendors.

7. It may be necessary to base an award on comparative evaluation of differing price, quality, and contractual factors to determine the most advantageous offering to the Department.
3. RFPs and RFBs, from here forward referred to as "solicitations," shall only be issued when there is a valid purchasing need. Solicitations shall not be issued to obtain estimates or to "test the water." If such action is necessary, see [Section 2.8](#).
4. Solicitations may be cancelled if there are valid and compelling reasons to believe that the cancellation of the solicitation is in the Department's best interest. Each solicitation issued by the Department shall contain language stating that the solicitations may be cancelled as provided in this document. See [Section 4.11](#).
5. The solicitation is prepared by the Purchasing Official, with assistance from the Purchasing Manager as desired.
6. The solicitation shall include a specifications (see [Section 4.2](#)); delivery or performance schedule; payment and billing requirements; bid submission deadline; date, time and place of opening; evaluation factors; other pertinent requirements, which may include, but are not limited to, product samples, descriptive literature, testing and inspection, and technical data; and all applicable terms and conditions.
7. The solicitation shall include directions for the vendors as to the format of their response, pricing information, and other forms as may be required to ensure that consistent information is received for each response.
8. A written bid or proposal (the vendor's "response"), prepared in the required format and upon the provided forms, that addresses all requirements stated in the solicitation and that contains the original signature of the vendor or the vendor's authorized official, shall be received in accordance with the submission deadline.
 1. Responses prepared in formats or on forms other than those provided shall not be accepted, except as provided in [Section 4.10](#).
 2. Responses shall be hand-delivered or mailed in sealed envelopes or packages.
 1. The outside of the envelope or package shall clearly show the solicitation number, submission deadline date, and vendor's name and address.
 2. Telephone, fax, or e-mail responses shall not be accepted.

3. Late responses shall not be accepted, except as provided in [Section 4.8](#).
4. Responses that lack the original signature of the vendor or the vendor's authorized official shall not be accepted, except as provided in [Section 4.10](#).
5. Hand-written responses shall not be accepted.
9. The Purchasing Official shall ensure that all responses are date/time-stamped immediately upon receipt, left unopened and sealed, and stored in a secure location until the specified opening date and time.
10. The Purchasing Official shall maintain any and all documents related to the purchasing project, including a copy of the solicitation, amendments, questions and answers, and all responses; along with determinations, summaries, score sheets, evaluation materials, disclosures, explanations, and any other written materials and place them in the purchasing file.
11. After award, all solicitation documents and the complete purchasing file shall be open to public inspection pursuant to [Section 1.6](#).

4.2 Specifications

The purpose of specifications is to describe to the vendors the product or service that the Department needs and all related requirements. Thoughtful and well-prepared specifications are critical to the success of a purchasing project.

1. To the extent practicable, specifications shall provide an accurate, thorough, detailed, measureable description of the physical or functional characteristics, the essential and technical requirements, the nature, and/or the desired results of the product or service to be purchased.
2. For an RFB, specifications shall be such that responses can be assessed as either meeting or not meeting the requirement.
3. For an RFP, specifications may allow for subjectivity, that is the level or degree to which the requirement is met.
4. Specifications shall permit maximum competition. They shall not be unduly restrictive.
5. To the extent possible, accepted commercial standards shall be used and unique requirements shall be avoided.

6. When appropriate, specifications issued or used by other public purchasing entities or professional organizations may be referenced. Vendors may be required to certify that the standardized specifications have been met.
7. "Brand name or equal" specifications (specifications that use one or more manufacturer's names or catalog numbers) may be used when the item to be purchased is best described by the use of such a specification.
 1. Brand name of equal specifications shall only be used for the purpose of describing the characteristics, standard of quality, and performance of the product or service required, and shall not, in any way, limit or restrict competition.
 2. Where brand name or equal specifications are used, the solicitation shall clearly state that the use of a brand name is only for the purpose of describing the product or service required, and that it is not to limit or restrict competition.
 3. The solicitation shall further state that substantially equivalent products to those designated will be considered for award.

4.3 Evaluation Factors

Evaluation factors are the criteria against which a bid or proposal is measured. The development of these factors is critically important because it is the subsequent evaluation of these factors that leads to the winning bid or proposal.

1. In a Request for Bid, the factors shall be subject to an objective evaluation; the requirement is either met or not met. See [Evaluation of Proposals and Bids](#) (Section 5).
2. In a Request for Proposal, the factors may be subject to a subjective evaluation; the level or degree to which the requirement is met may be considered. See [Evaluation of Proposals and Bids](#) (Section 5).
3. All solicitations shall include all evaluation factors necessary to determine whether all required specifications have been met. Factors that do not lend themselves to such determinations shall not be included.
4. All solicitations shall include factors to evaluate whether the vendor has:
 1. The appropriate financial, material, equipment, facility, and personnel resources and expertise necessary to meet all requirements of the purchase.
 2. A satisfactory record of performance.

3. Responded to all requirements of the solicitation and supplied all required information.
5. Factors not specified in the solicitation shall not be considered in the evaluation.
6. Factors may be prioritized or “weighted” to identify the relative importance of each factor.
7. By way of example and not limitation, evaluation factors shall include pricing/cost and may include (in no particular order) the following:
 1. Delivery date after receipt of order
 2. Cash discounts
 3. Type and length of warranties
 4. Cost of maintenance agreements
 5. Cost of operations
 6. Future availability
 7. Future trade-in value
 8. Availability of local service
 9. Results of site visits, demonstrations, or product testing
 10. Availability of training courses
 11. Esthetics
 12. Adaptability to environment
 13. Space limitations
 14. Safety and health features relating to codes, regulations, or policies
 15. Life cycle costs (see [Section 5.2.5](#))

4.4 Notification and Clarification

1. Posting of solicitations on the BIDS system is mandatory.
 1. An RFP shall be posted for at least twenty-one (21) calendar days.
 2. A RFB shall be posted for at least fourteen (14) calendar days.
 3. The Purchasing Manager shall assign a solicitation number and post the solicitation on the BIDS system.
 4. If special circumstances or conditions exist, the Purchasing Manager, in consultation with the Purchasing Official, may lengthen or shorten the posting time. The Purchasing Official shall document in writing why a reduced period is required. Under no circumstances shall the length of time be shortened to reduce competition.

2. Pre-proposal conferences may be conducted to explain the purchasing requirements.
 1. The place, date, and time of the conference shall be contained in the solicitation.
 2. Nothing stated at the conference shall change the solicitation unless by written amendment (see [Section 4.5](#)).
3. Vendors may ask questions to clarify their understanding of the Department's needs and other pertinent matters but only during the timeframe specified in the solicitation.
 1. All questions shall be collected by the Purchasing Official.
 2. Responses to all questions shall be prepared by the Purchasing Official and submitted to the Purchasing Manager for review and posting on BIDS in accordance with the timeframe specified in the solicitation.

4.5 Amendments to Solicitations

1. After posting on BIDS, changes to a solicitation are discouraged but, when required, any and all changes shall be made by written amendment.
 1. Any such amendments shall be prepared by the Purchasing Official and review by the Purchasing Manager.
 2. The amendment shall reference what specific part(s) of the solicitation is being amended.
2. Amendments shall be identified as such and posted on BIDS, along with the original solicitation, with sufficient time for vendors to review the changes, contemplate any consequences, and consider the content for inclusion in their proposals.
 1. This may require an extension of bid submission, opening dates, and award dates.
 2. Any such date changes shall also be confirmed in the amendment.
3. If changes or amendments are not posted on BIDS, the solicitation shall be considered unchanged, regardless of any exchanges that may have occurred between the Department and any vendor(s).

4.6 Responsibility of Vendors

1. Vendors shall be registered on BIDS (see [Section 1.6](#)), and are solely responsible for frequently checking BIDS and availing themselves of all applicable instructions, amendments, and other information related to the solicitation that is posted thereon.
2. To be considered acceptable, a vendor's response to a solicitation shall fully address any and all requirements stated in the solicitation, and shall be prepared in accordance with required formats and upon any forms provided.
3. Responses shall contain the original signature of the vendor or the vendor's authorized official.
4. It is the vendors' responsibility to ensure that their response is properly identified and received by the Department prior to the submission deadline specified in the solicitation.
5. Situations such as a flat tire, slow traffic, accidents, parking problems, and other similar circumstances, shall not be cause for acceptance of late bids or proposals. (See also [Section 4.8](#) regarding late delivery of responses.)
6. Hand-written, telephone, faxed, or e-mailed responses shall not be accepted.
7. Vendors shall be legally qualified to contract with the Department and shall cooperate with the Department in fulfilling or resolving all legal and contractual matters as may be required by the Judicial Department and Colorado state statutes, including requirements to verify the legal status of their employees and contractors.

4.7 Receipt and Opening of Responses

1. All responses received shall be opened by the Purchasing Official, or designee, in the presence of one or more witnesses on the date, time, and at the place specified in the solicitation.
2. The name of each vendor shall be read aloud. Other pertinent information, such as pricing, may be read aloud at the discretion of the Purchasing Official, except that information determined by the Department to be proprietary, pursuant to [Section 1.5](#), shall not be read or otherwise disclosed.
3. Each vendor's name, any other information announced at the opening, and the names of all witnesses to the opening shall be recorded in writing and such record shall be open for public inspection.

4. Information that is not presented at the opening may be withheld from public inspection until after the award is announced.
5. Under no circumstances shall any vendor's response be opened prior to the public "opening."
6. Any interested parties shall be allowed to attend.
7. Responses shall be opened in a manner that avoids disclosure of contents to competing vendors.

4.8 Late Delivery of Responses

1. If, prior to the specified opening time and date, no mail has been delivered either directly by the post office or through the internal distribution system, any response received by the first, next scheduled delivery shall be accepted if it is reasonable to believe the response was in the delivery process.
2. In the event of a labor unrest (strike, work slow-down, etc.) that affects mail delivery, the Purchasing Official shall amend the submission deadline or develop alternate methods of receiving responses. Any and all such changes shall be posted on BIDS.
3. The Purchasing Official shall consult with the Purchasing Manager regarding situations (other than those above) that are beyond the control of the Department or the vendors to determine the acceptability of late responses, except as otherwise specified in [Section 4.6.5](#).

4.9 Withdrawal of Responses

1. A vendor may withdraw its response to any solicitation at any time prior to opening date and time set forth in the solicitation by written notice (mail, email or fax) to the Purchasing Official. In such circumstance, the Purchasing Official shall return the unopened response to the vendor.
2. The Purchasing Official may allow a bid or proposal to be withdrawn, if requested by the vendor in writing, after opening but prior to award, under the following circumstances:
 1. The vendor provides proof that clearly and convincingly demonstrates to the Purchasing Official that a mistake was made in the costs or other material matter provided in the response.

2. The Purchasing Official finds it unreasonable to allow the bid or proposal to proceed.
3. Any decision to permit or deny withdrawal of a response shall be supported by a written determination prepared by the Purchasing Official in consultation with the Purchasing Manager.
4. If a proposal or bid is withdrawn in accordance with this section, any bid or performance bond (see [Section 4.12.2](#)) shall be returned to the vendor in a timely manner.

4.10 Minor Informalities and Mistakes Discovered After Opening

1. Minor informalities are matters of form rather than substance evident from the bid or proposal document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, the effect on price, quantity, quality, delivery, or contractual conditions is negligible.
2. The Purchasing Official, in consultation with the Purchasing Manager, may waive minor informalities or allow the vendor to correct them, if it is determined to be in the best interests of the Department. Examples include, but are not limited to, the failure of a bidder to:
 1. Return the number of signed bids or proposals required by the solicitation.
 2. Sign the bid or proposal, but only if the unsigned bid or proposal is accompanied by other material indicating the bidder's intent to be bound.
 3. Use a format or forms other than those specified in the solicitation instructions, but only if all requested information is provided.
3. Any decision to waive a minor informality or permit or deny correction of a response shall be supported by a written determination, prepared by the Purchasing Official in consultation with the Purchasing Manager, that such action is in the best interests of the Department.
4. If a response contains an obvious, material error(s), is unreasonably lower than the other responses, or otherwise appears to the Evaluation Committee that a substantive mistake has been made:
 1. The vendor shall be requested to confirm their response.
 2. If, after such confirmation, the vendor alleges mistake, the vendor shall be permitted to withdraw the response in accordance with [Section 4.9](#).

4.11 Cancellation of Solicitation and Rejection of Responses

1. Prior to opening, a solicitation may be cancelled if such action is necessary to serve the best interests of the Department, for reasons including but not limited to the following:
 1. The Department no longer requires the products or services.
 2. The Department no longer can reasonably expect to fund the purchase.
 3. The solicitation is in violation of Department policy.
 4. Amendments to the solicitation would be of such magnitude that a new solicitation is desirable.
2. After opening but prior to award, any or all responses may be rejected when the Purchasing Official, in consultation with the Purchasing Manager, determines in writing that such action is in the Department's best interest for reasons including but not limited to the following:
 1. The products or services being purchased are no longer required.
 2. Ambiguous or otherwise inadequate specifications were part of the solicitation.
 3. The solicitation did not provide for consideration of all factors of significance to the Department.
 4. All otherwise acceptable responses are at unexpectedly high or clearly unreasonable prices.
 5. Prices exceed available funds. In such case:
 1. The Purchasing Official may attempt to negotiate an adjustment of quantities, quality, scope, and/or price with the apparent winner to bring the proposal or bid within the amount of available funds.
 2. If it is not feasible to make such adjustments, the solicitation shall be cancelled.
 6. There is reason to believe that the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

3. If a solicitation is cancelled, notice of the cancellation shall be posted on BIDS. Such notice shall:
 1. Identify the solicitation.
 2. Explain the reason for cancellation.
 3. As applicable, explain that an opportunity will be given to compete on any re-solicitation or any future purchases of similar products or services.
4. The Purchasing Official shall prepare a written explanation of the reasons for cancellation or rejection.
5. When a solicitation is cancelled, responses received prior to the opening shall remain unopened and shall be returned to the vendors. If a cancellation occurs after the opening, all responses shall be retained in the purchasing file.

4.12 Additional Performance Requirements

Additional performance requirements may be called for if a purchase is of particular importance or criticality to the Department that such requirements are warranted.

1. **Insurance** - In cases where a vendor performs work on the Department's premises, or is required to travel in a vehicle while performing the Department's requirements, it is in the Department's best interest to require the vendor to demonstrate adequate insurance and/or to name the Department as an insured party. In such circumstances, the Purchasing Official should follow the prescribed procedures recommended by the Department of Personnel and Administration, Division of Risk Management.
2. **Bonds** –
 1. Bid bonds are used to ensure a bidder's price will be valid for a specified period of time. Such bonds are frequently used in purchase of products that are subject to rapid price fluctuations. The amount of the bond should be adequate to deter a bidder from failing to honor a bid.
 2. Performance bonds are used to ensure a vendor's performance as to both quality and timeliness. The amount of the bond should be adequate to cover the Department's losses and costs should the vendor fail to perform as required or agreed.
3. **Liquidated Damages** – Liquidated damages clauses may included in solicitations (and subsequent contracts) where there are critical time sensitive

milestones to which the Department and vendor agree. Should the vendor fail to meet one of more of these requirements, the vendor may be required to reimburse the Department for actual losses and/or costs incurred. These damages are limited to the amount of reasonable actual demonstrable losses/costs.

5. EVALUATION OF PROPOSALS AND BIDS

Though the requirements for Requests for Proposals (RFPs) and Requests for Bids (RFBs) are substantially similar, see [Competitive Sealed Proposals and Bids](#) (Section 4), there is a significant difference with regard to how the responses are evaluated and, subsequently, how the winning vendor is chosen.

5.1 General Requirements

1. The Purchasing Office shall establish an Evaluation Committee (see [Section 5.5](#)) and forms upon which to conduct the evaluation.
2. All products and services shall be evaluated against the specifications put forth in the solicitation.
 1. All bids shall be evaluated on the same criteria; no factors shall be added or omitted.
 2. If desired, a system to prioritize or “weight” the scores for each factor may be established if none was previously set forth in the solicitation.
3. Factors to be considered shall include whether the vendor has:
 1. The appropriate financial, material, equipment, facility, and personnel resources and expertise necessary to meet all requirements of the purchase.
 2. A satisfactory record of performance.
 3. Supplied all required information.
4. Vendors may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting:
 1. Evidence that the vendor possesses such necessary items.
 2. Acceptable plans to subcontract for such necessary items.
 3. A documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.
5. Inspection and testing may be included as part of the evaluation to determine acceptability, workmanship, and suitability of the product or service being purchased.

6. Bids or proposals that do not meet all requirements, specifications, and criteria put forth in the solicitation or that fail inspection and/or testing shall be rejected.
7. The Purchasing Official shall maintain all evaluation documents, score sheets, and other related documents.

5.2 Evaluation of Bids

1. The purpose of an evaluation of bids is to determine if a vendor's bid does or does not meet the Department's need as specified in the RFB and to select the winning bid. The evaluation shall be pass/fail only; with no or minimal level or degree of satisfaction.
2. If inspection and testing is included as part of the evaluation, it shall only be conducted, on a pass/fail basis, to determine whether a proposal is in accordance with the specifications and criteria specifically set forth in the RFB.
 1. Vendors shall be accorded fair and equal treatment with respect to any opportunity for demonstrations and/or site visits.
 2. Inspection and testing shall not be conducted to determine if one vendor's product or service is superior to another.
3. Bids that meet all specifications and criteria and that pass inspection and/or testing, as applicable, shall be considered for award.
4. Of the bids considered, award shall be made to the vendor offering the lowest price.
5. In addition to the actual cost of a product, life cycle cost factors may be considered, when applicable, to determine lowest price. Life cycle costs are reasonable estimates of the costs of ownership and operation (such as repair costs, licenses, and particular supplies) and/or trade-in value at the end of a product's useful life. If such factors are used, they shall be objectively measurable.
6. Award shall not be made to a bidder submitting a higher quality item than that designated in the RFB unless such bidder also offered the lowest bid (considering actual cost and any applicable life cycle cost factors).

5.3 Evaluation of Proposals

1. The purpose of an evaluation of proposals is to determine the extent, level or degree to which a vendor's proposal meets the Department's need as specified in the RFP and to select the proposal most advantageous to the Department.
2. The Evaluation Committee may engage in formal discussions with vendors, require and attend demonstrations, and/or conduct inspections or site visits to promote understanding of the Department's requirements and the vendors' proposals.
 1. Vendors shall be accorded fair and equal treatment with respect to any opportunity for discussion of proposals, inspections, demonstrations, and/or site visits.
 2. Revisions to proposals may be permitted prior to award for the purpose of obtaining proposals more advantageous to the Department.
 3. In conducting discussions, there shall be no disclosure of any information contained in or derived from proposals submitted by competing vendors.
 4. The Purchasing Official shall prepare a written summary of any and all negotiations with vendors.
3. The Purchasing Official shall establish a numerical rating system and develop a score sheet to be used by the Evaluation Committee to rate each proposal.
4. To promote consistency in the application of the rating system among the evaluators, each numerical rating shall be defined. See example in [Appendix A](#).
5. Some evaluation factors may not be subject to a numerical system. For such factors, a "pass/fail" or "yes/no" shall be utilized, where "pass" or "yes" is worth a set number of points (for example, three (3) points in a scale of 1 – 5) and "fail" or "no" equals zero (0) points.
6. Award shall be made to the vendor whose proposal is determined by the Evaluation Committee, subject to final approval by the Purchasing Official, to be most advantageous to the Department, considering price and other factors.

5.4 Evaluation Committee Members

1. Any number of members may serve on the Committee at the discretion of the Purchasing Official; however; all members shall have experience or familiarity with the product or service being purchased.

2. If any committee member has any existing or previous relationship, connection, association, or involvement with any vendor whose bid or proposal is being evaluated; or if any committee member may, or may appear to, gain privately – financial or otherwise – from the award, that committee member shall disclose any such information in writing to the Purchasing Official prior to service.
 1. The Purchasing Official shall determine, in consideration of the disclosure, whether such committee member shall participate on the committee. If the Purchasing Official is the committee member making the disclosure, the Purchasing Manager shall determine participation.
 2. The facts and circumstances leading to the decision shall be documented in writing.

5.5 Notification and Award of Contract

1. Once the award decision is made, the Purchasing Official shall inform the Purchasing Manager, who shall post the results on BIDS.
2. The Purchasing Official shall issue a *Notice of Intent to Make Award* letter to the successful vendor.
3. The Purchasing Official shall cooperate with the Purchasing Manager and the Judicial Department Legal counsel to develop a written contract for the successful vendor in accordance with the terms of the solicitation. However, a contract is not awarded until any protest which may have been made in connection with the award decision has been resolved. See [Protests of Award](#) (Section 6).
4. No property interest of any nature shall accrue until the contract is awarded and signed by both parties.

6. PROTESTS OF AWARD

6.1 Resolution by Mutual Agreement

1. The Purchasing Official, in consultation with the Purchasing Manager, shall attempt to settle and resolve, by mutual agreement through informal discussions, any questions, concerns, or controversies regarding the solicitation and the award of contract.
2. If a controversy cannot be resolved by mutual agreement, the vendor may file a protest.

6.2 Filing a Protest

1. Any vendor who is aggrieved in connection with a solicitation or the award of a contract may protest directly to the Director of the Financial Services Division (the "Director"). The protest shall be submitted in writing no later than seven (7) working days from the date of the award or non-award letter where a solicitation was issued.
2. Any vendor who is aggrieved in connection with a purchase or acquisition that was not competitively bid may protest directly to the Director within thirty (30) days after such aggrieved vendor knows or should have known of the facts giving rise thereto.
3. Vendors may file a protest regarding any perceived failure of the Department to follow the requirements of the Purchasing Fiscal Rules, or to act unfairly arbitrarily, or unethically during any phase of solicitation or award process.
4. Protests shall be type-written, may be delivered either via postal mail or email, and shall include, as a minimum, the following:
 1. The name and address of the protestor.
 2. A statement of the reasons for the protest, which shall detail the unfair, arbitrary, or unethical actions of the Department, and shall cite, as applicable, the specific Purchasing Fiscal Rules that the Department failed to follow.
 3. Evidence of the failures and/or documents substantiating the protest.
 4. The vendor's requested relief or resolution.

6.3 Review of Protests and Director's Decision

1. The Director shall have the sole authority to settle and resolve a protest of an aggrieved vendor.
2. The Director shall render a decision regarding the protest within seven (7) working days after the Director, himself or herself, receives the written protest.
 1. The decision shall be based on and limited to a review of the issues raised by the aggrieved vendor.
 2. The Director shall promptly gather and review relevant information.
 1. The Purchasing Official and Purchasing Manager shall provide all information, materials, and documents as may be requested by the Director.
 2. The Director may also request additional information from the vendor.
 3. If any party fails to comply expeditiously with any request for information by the Director, the Director shall resolve the protest without such information.
3. The Director shall issue an objective, written decision based upon the facts of his or her review.
 1. Each issue brought forth by the aggrieved vendor shall be addressed.
 2. Evidence that substantiates or disputes the vendor's assertions shall be presented.
 3. The Director shall state the reasons for his or her decision.
 4. The decision shall be considerate of the vendor's requested relief or resolution.
4. The Director shall issue his/her decision, by certified mail return-receipt requested, to the vendor post-marked within the timeframe allowed.
5. The Director's decision shall be final and conclusive.

6.4 Stay of Award

In the case of a protest of any award, the award will be stayed until the protest decision is issued.

7. UNAUTHORIZED PURCHASES

For the purposes of this section, an “unauthorized purchase” is a purchase of any product or service that is made in violation of any of the provisions of the Purchasing Fiscal Rules herein.

7.1 Decision to Ratify an Unauthorized Purchase

1. If any Judicial Department employee purchases any products or services contrary to the provisions of the Rules contained in this document, the Purchasing Official shall need to determine whether or not to ratify (post-authorize) the purchase.
2. In making such determination, the Purchasing Official shall consider all factors related to the purchase including but not limited to the following:
 1. The facts and circumstances giving rise to the need for the product or service, including the employee’s explanation as to why the Rules were not followed, and any lack of information or training on the part of the employee.
 2. Indications of intent to deliberately evade the Rules.
 3. Whether the purchase, if it had been made according to the Rules, would have been reasonable and appropriate.
 4. The extent to which any competition was obtained.
 5. Whether this is the first occurrence or a repeat instance.
 6. Indications as to whether either the employee or the vendor has acted fraudulently or in bad faith.
 7. The potential consequences of terminating the contract, if any.
3. A decision to ratify an unauthorized purchase shall weigh the above noted factors as they apply to the express goals of the Rules and, in particular, fairness to any vendor who has acted fairly and in good faith.
4. After consideration of the above factors, the Purchasing Official, in consultation with the Purchasing Manager, shall take one of the following actions:
 1. Ratify the purchase if it is determined to be in the best interests of the Department, and authorize payment. Such ratification shall be without

prejudice to the Department's right to such damages as may be appropriate. See [Section 7.4](#).

2. If it is determined that it is not in the best interests of the Department to ratify the purchase:
 1. If practicable, return the product, or any portion thereof, or suspend or discontinue the service.
 2. Authorize payment to the vendor for the product or service, or portion thereof, unless it is determined that the vendor acted fraudulently or in bad faith.
 3. Terminate the contract, if any.
3. If it is determined that a vendor has acted fraudulently or in bad faith, any contract with such vendor shall be terminated and there shall be no authorization of payment.
5. A written determination setting forth the basis for any decisions made pursuant to this Section shall be included in the purchasing file.

7.2 Contract Termination

The Purchasing Official shall notify the Director of the Financial Services Division and Judicial legal counsel PRIOR to any termination of a contract.

7.3 Review of Procedures

The Purchasing Official shall review local policies and procedures, and establish safeguards to preclude subsequent unauthorized purchases.

7.4 Liability of Judicial Department Employees

1. If any Judicial Department employee purchases any products or services contrary to the provisions of the Rules, the Purchasing Official and the Judicial Department employee actually making such purchase may be:
 1. Personally liable for any costs incurred by the Department.
 2. Subject to appropriate civil action to recover any costs incurred by the Department.

2. In addition, any such Judicial Department employee may be subject to corrective or disciplinary action pursuant to Judicial Department personnel rules.

7.5 Court Action

In the event a court action is commenced by a vendor regarding any phase or aspect of a Judicial Department purchase, Judicial legal counsel shall be immediately notified.

APPENDIX

EXAMPLE OF RATING DEFINITIONS

Zero (0) Points/Unacceptable:

- Response is missing, absent, or left blank
- Response does not illustrate any skill, experience, knowledge, or ability.
- For factors requiring a “pass/fail” evaluation, a “fail” equals 0 points.

One (1) Point/Poor:

- The response minimally addresses the evaluation factor.
- The response is confusing, excessive, and/or unclear.
- The response is not supported and/or convincing.
- The response does not illustrate much knowledge, skill, experience, or ability.

Two (2) Points/Marginal:

- The response addresses the evaluation factor but not fully or completely.
- The response is somewhat confusing, excessive, and/or unclear.
- The response is not well supported or convincing.
- The response illustrates some knowledge, skill, experience, and ability.

Three (3) Points/Acceptable:

- The response addresses the basic components of the question.
- The response is generally clear and concise.
- The response is generally well supported and convincing. .
- The response illustrates basic knowledge, skill, experience, and ability.
- For factors requiring a “pass/fail” evaluation, a “pass” equals 3 points.

Four (4) Points/Above Average:

- The response fully addresses the question.
- The response is clear and concise.
- The response is well supported and convincing.
- The response illustrates significant knowledge, skill, experience, and ability.

Five (5) Points/Superior:

- The response fully addresses the question with obvious confidence and ease.
- The response is extremely articulate, clear, and concise.
- The response is extremely well supported and convincing.
- The response illustrates extensive knowledge, skill, experience, and ability.