

State of New Mexico
Public School Facilities Authority



**DEFINITIONS OF TERMINOLOGY - COMMON AND TECHNICAL
USAGE OF WORDS**

PSFA Form# Con1-2017 (Version 2.0)

This document contains definitions of terms and phrases used throughout PSFA's Contracts & Procurement documents, including appropriate abbreviations. Unless a word or phrase, in a PSFA Contract/Document, is defined in this listing, the contract document, a statute, or rule being construed, its meaning shall be determined by its context, the rules of grammar and common usage. A word or phrase that has acquired a technical or particular meaning in a particular context has that meaning if it is used in that context.

"75% Complete" is when the construction documents (working drawings and specifications) are complete and ready to bid, and have received formal approval and acceptance by the owner.

"Adequacy Planning Guide" is the companion document to the Public School Capital Outlay Council Statewide Adequacy Standard (6.27.30 NMAC) provided by the state of New Mexico for use in the programming and design of new projects to meet adequacy (document available at www.nmpsfa.org).

"Agreement" See Contract.

"Authorized Requestor/Purchaser" means an individual authorized to request proposals/bids or procure on behalf of a "Local public body" ("*Local public body*" shall have the meaning ascribed in Procurement Code Section 13-1-67 NMSA 1978).

"Award" means the final execution of the contract or agreement document.

"Award of Contract" shall mean a formal written notice that a firm or firms have been selected to enter into negotiations for a contract for services.

"Billed entity" A "billed entity" is the entity that remits payment to service providers for services rendered to eligible schools and libraries.

"Business Hours" means 8:00 AM to 5:00 PM Mountain Standard or Mountain Daylight Time.

"CFR" is the United States "Code of Federal Regulations"

"CIMS" is PSFA's internet/web based Construction Information Management System.

"Close of Business" means 5:00 PM Mountain Standard or Daylight Time.

"Confidential" means confidential financial information concerning offeror's organization and data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act NMSA 1978 57-3-A-1 to 57-

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3A-7. See NMAC 1.4.1.45. As one example, no information that could be obtained from a source outside this request for proposals can be considered confidential information.

“Contract” A voluntary, deliberate, and legally binding agreement between two or more competent parties.

“Contractor” means any business having a contract with a District, State Agency or local public body.

“Deficiencies Correction Program (DCP)” is a program administered by the PSFA to correct life, safety and health deficiencies in school buildings throughout the state.

“Design Professional” is the entity defined as an architect/engineer.

“Desirable” the terms "may", "can", "should", "preferably", or "prefers" identify a desirable or discretionary item or factor.

“Department of Finance and Administration (DFA)” is the cabinet agency with central accounting authority and responsibility, which issue payments for work performed under this RFP involving DCP/PSCOC funding.

“Determination” means the written documentation of a decision of a procurement officer including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.

“District” means the _____ sponsoring the Procurement action.

“E-rate or E-Rate” FCC Universal Service Fund Program

“Electronic Version/Copy” means a digital form consisting of text, images or both readable on computers or other electronic devices that includes all content that the Original and Hard Copy proposals contain. The digital form may be submitted using a compact disc (cd) or USB flash drive. The electronic version/copy can NOT be emailed.

“ENERGY STAR®” is a voluntary program of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy that identifies energy-efficient products and buildings. Qualified products and buildings exceed minimum federal standards for energy consumption by a certain amount. Qualifying buildings which achieve an ENERGY STAR rating of 75 or above are eligible to receive the ENERGY STAR label. Web site: <http://www.energystar.gov/>. Compliance with ENERGY STAR is required on certain projects by Section 15-3-36, Energy Efficiency Standards for Public Buildings, NMSA 1978.

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“**Entity**” means the District for the purposes of Section 13-1-120(B)(6), NMSA 1978; Evaluation Criteria; and is the entity requesting proposals.

“**Evaluation Committee (Selection Committee)**” means a body appointed to perform the evaluation of Offerors’ proposals.

“**Evaluation Committee Report**” means a report prepared by the Procurement Manager and the Evaluation Committee for contract award. It will contain written determinations resulting from the procurement.

“**FCC**” is the United States “Federal Communications Commission”

“**Finalist**” means an Offeror who meets all the mandatory specifications of this Request for Proposals and whose score on evaluation factors is sufficiently high to merit further consideration by the Evaluation Committee.

“**Hourly Rate**” means the proposed fully loaded maximum hourly rates that include travel, per diem, fringe benefits and any overhead costs for contractor personnel, as well as subcontractor personnel if appropriate.

“**IT**” means Information Technology.

“**Lowest corresponding price**” is the lowest price that a service provider charges to non-residential customers who are similarly situated to a particular school, library, or library consortium for similar services. Any fee schedule submitted must include labor, equipment, materials, travel, overtime, etc., as it relates to the solicitation

“**MACC**” means the maximum allowable construction cost as defined by the Design Professional contract.

“**Mandatory**” – the terms "must", "shall", "will", "is required", or "are required", identify a mandatory item or factor. Failure to meet a mandatory item or factor will result in the rejection of the Offeror’s proposal.

“**Minor Technical Irregularities**” means anything in the proposal that does not affect the price quality and quantity or any other mandatory requirement.

“**Multiple Source Award**” means an award of an indefinite quantity contract for one or more similar services, items of tangible personal property or construction to more than one Offeror.

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"Offeror" is any person, corp., or partnership who chooses to submit a proposal

"Owner" is the District. And **"Co-Owner"** is PSFA

"Price Agreement" means a definite quantity contract or indefinite quantity contract which requires the contractor to furnish items of tangible personal property, services or construction to a District or a local public body which issues a purchase order, if the purchase order is within the quantity limitations of the contract, if any.

"Primary Contractor" is the contractor whose proposal is determined to be the most responsive, responsible offer in proposing to perform work.

"Procurement Manager" means any person or designee authorized by a District or local public body to enter into or administer contracts and make written determinations with respect thereto.

"Procurement Officer or Procurement Office" as defined in State of New Mexico Procurement Code Section(s) 13-1-37, 13-1-38.1, and 13-1-97, shall be deemed to be synonymous.

"Procuring District" means all State of New Mexico agencies, commissions, institutions, political subdivisions, School Districts, and local public bodies allowed by law to entertain procurements.

"Project" means a temporary process undertaken to solve a well-defined goal or objective with clearly defined start and end times, a set of clearly defined tasks, and a budget. The project terminates once the project scope is achieved and project acceptance is given by the project executive sponsor.

"Project Listing Form" means the form included as a part of this RFP which all Offerors shall complete, indicating all outstanding awards and contracts less than 75% complete.

"Proposal" is the Offeror's response to a RFP

"Public School Facilities Authority (PSFA)" is a State Agency, under the Public School Capital Outlay Council (PSCOC) charged with responsibility for overseeing projects and may/shall, in certain instances, serve as the owner's representative for work performed under this RFP.

"Public School Capital Outlay Council (PSCOC)" is the body with responsibility to approve allocations for public school capital outlay assistance.

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“**Redacted**” means a version/copy of the proposal with the information considered confidential as defined by NMAC 1.4.1.45 and defined herein and outlined in Section II.C.8 of this RFP blacked out BUT NOT omitted or removed.

“**Request for Proposals (RFP)**” means all documents, including those attached or incorporated by reference, used for soliciting proposals.

“**Responsible Offeror**” means an Offeror who submits a responsive proposal and who has furnished, when required, information and data to prove that his financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services, or items of tangible personal property described in the proposal.

“**Responsive Offer**” or “**Responsive Proposal**” means an offer or proposal which conforms in all material respects to the requirements set forth in the request for proposals. Material respects of a request for proposals include, but are not limited to price, quality, quantity or delivery requirements.

“**Sealed**” means, in terms of a non-electronic submission, that the proposal is enclosed in a package which is completely fastened in such a way that nothing can be added or removed. Open packages submitted will not be accepted except for packages that may have been damaged by the delivery service itself. The State reserves the right, however, to accept or reject packages where there may have been damage done by the delivery service itself. Whether a package has been damaged by the delivery service or left unfastened and should or should not be accepted is a determination to be made by the Procurement Manager. By submitting a proposal, the Offeror agrees to and concurs with this process and accepts the determination of the Procurement Manager in such cases.

“**Selection Committee**” means a body constituted in accordance with Section 13-1-121 NMSA 1978 to perform the evaluation of Offeror proposals.

“**Staff**” means any individual who is a full-time, part-time, or an independently contracted employee with the Offerors’ company.

“**State (the State)**” means the State of New Mexico.

“**State Agency**” means any department, commission, council, board, committee, institution, legislative body, Agency government corporation, educational institution or official of the executive, legislative or judicial branch of the government of this state.

“**Statement of Concurrence**” means an affirmative statement from the Offeror to the required specification agreeing to comply and concur with the stated requirement(s). This statement shall be

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included in Offerors proposal. (E.g. "We concur", "Understands and Complies", "Comply", "Will Comply if Applicable" etc.)

"Unredacted" means a version/copy of the proposal containing all complete information including any that the Offeror would otherwise consider confidential, such copy for use only for the purposes of evaluation.

"User" means the school district staff occupying the facility or facilities, for which a project(s) is being designed, repaired, renovated or corrected.

"User Contact" is the person designated by the District to speak on behalf of the School District staff concerning the scope of work and programming requirements for the project(s).

"USAC" Universal Services Administration Company is an independent, not-for-profit corporation designated by the Federal Communications Commission (FCC) as the administrator of universal service.

"Wide area network" shall have the same meaning as defined in CFR Title 47 Part 54 Section 54.000

"Written" means typewritten on standard 8 ½ x 11 inch paper. Larger paper is permissible for charts, spreadsheets, etc.

The terms **"must," "shall," "will," "is required,"** or **"are required"** identify *a necessary* item or factor. Failure to comply *with such* an item or factor *may* result in the rejection of the Offerors proposal.

The terms **"can," "may," "should," "preferably,"** or **"prefers"** identifies a desirable or discretionary item or factor. Failure to comply with such an item or factor *may* result in the rejection of the Offerors proposal. *Rejection of the proposal will be subject to review by the Selection Committee and the final decision on rejection will be made by the Committee Chairman.*