

IN THE SENATE

SENATE BILL NO. 1047

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO STATE PURCHASING; AMENDING SECTION 67-5716, IDAHO CODE, TO ALPHABETIZE DEFINITIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5716, Idaho Code, be, and the same is hereby amended to read as follows:

67-5716. DEFINITIONS ~~OF TERMS~~. (1) Acquisition. The process of procuring or purchasing property by the state of Idaho.

~~(2) Procurement. Obtaining property for state use by lease, rent, or any manner other than by purchase or gift.~~

~~(3) Property. Goods, services, parts, supplies and equipment, both tangible and intangible, including, but nonexclusively, designs, plans, programs, systems, techniques and any rights and interests in such property.~~

(2) Agency. All officers, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding other legislative and judicial branches of government and excluding the governor, the lieutenant governor, the secretary of state, the state controller, the state treasurer, the attorney general, and the superintendent of public instruction, and, as provided in section 67-5728, Idaho Code, excluding Lewis-Clark State College, Idaho State University, Boise State University and Eastern Idaho Technical College.

(3) Bid. A written offer to perform a contract to purchase or supply property or services in response to an invitation for bid or request for proposal.

(4) Bidder. A vendor who has submitted a bid on a specific item or items of property to be acquired by the state.

(5) Component. An item of property normally assembled with other items into a unified productive whole at the site of use, which items belong to functional classes that may be interchangeable units of similar function but of differing operational or productive capabilities.

(6) Contractor. A bidder who has been awarded an acquisition contract.

(7) Equipment. Items of personal property that have a normal useful life expectancy of two (2) or more years.

(48) Goods. Items of personal property, not qualifying as equipment, parts or supplies.

(9) Lowest responsible bidder. The responsible bidder whose bid reflects the lowest acquisition price to be paid by the state, except that when specifications are valued or comparative performance examinations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.

1 (10) Open contract. A contract awarded by the state of Idaho through the
 2 division of purchasing to one (1) or more vendors who have agreed to allow
 3 all agencies to procure or purchase specified property under the terms and
 4 conditions set forth in the contract.

5 (11) Parts. Items of personal property acquired for repair or replace-
 6 ment of unserviceable existing items.

7 (12) Postconsumer waste. A finished material which would normally be
 8 disposed of as a solid waste, having completed its life cycle as a consumer
 9 item.

10 (13) Procurement. Obtaining property for state use by lease, rent or
 11 any manner other than by purchase or gift.

12 (14) Property. Goods, services, parts, supplies and equipment, both
 13 tangible and intangible, including, but nonexclusively, designs, plans,
 14 programs, systems, techniques and any rights and interests in such property.

15 (15) Recyclable. Materials that still have useful physical, chemical
 16 or biological properties after serving their original purposes and can,
 17 therefore, be reasonably reused or recycled for the same or other purposes.

18 (16) Recycled-content product. A product containing postconsumer
 19 waste and/or secondary waste as defined in this section.

20 (17) Secondary waste. Fragments of products or finished products of a
 21 manufacturing process, which has converted a virgin resource into a commod-
 22 ity of real economic value and may include a postconsumer waste.

23 (18) Services. Personal services, in excess of personnel regularly
 24 employed for whatever duration and/or covered by personnel system stan-
 25 dards, for which bidding is not prohibited or made impractical by statute,
 26 rules or generally accepted ethical practices.

27 ~~(6) Parts.~~ Items of personal property acquired for repair or replace-
 28 ment of unserviceable existing items.

29 (19) Supplies. Items of personal property having an expendable qual-
 30 ity or during their normal use are consumed and which require or suggest ac-
 31 quisition in bulk.

32 ~~(8) Equipment.~~ Items of personal property which have a normal useful
 33 life expectancy of two (2) or more years.

34 ~~(9) Component.~~ An item of property normally assembled with other items
 35 into a unified productive whole at the site of use, which items belong to
 36 functional classes that may be interchangeable units of similar function but
 37 differing operational or productive capabilities.

38 ~~(20) Vendor.~~ A person or entity capable of supplying property to the
 39 state.

40 ~~(11) Bidder.~~ A vendor who has submitted a bid on a specific item or items
 41 of property to be acquired by the state.

42 ~~(12) Lowest responsible bidder.~~ The responsible bidder whose bid re-
 43 flects the lowest acquisition price to be paid by the state; except that when
 44 specifications are valued or comparative performance examinations are con-
 45 ducted, the results of such examinations and the relative score of valued
 46 specifications will be weighed, as set out in the specifications, in deter-
 47 mining the lowest acquisition price.

48 ~~(13) Contractor.~~ A bidder who has been awarded an acquisition contract.

49 ~~(14) Agency.~~ All officers, departments, divisions, bureaus, boards,
 50 commissions and institutions of the state, including the public utilities

1 ~~commission, but excluding other legislative and judicial branches of gov-~~
2 ~~ernment, and excluding the governor, the lieutenant governor, the secretary~~
3 ~~of state, the state controller, the state treasurer, the attorney general,~~
4 ~~and the superintendent of public instruction, and, as provided in section~~
5 ~~67-5728, Idaho Code, excluding Lewis-Clark State College, Idaho State Uni-~~
6 ~~versity, Boise State University and Eastern Idaho Technical College.~~

7 ~~(15) Bid. A written offer to perform a contract to purchase or supply~~
8 ~~property or services in response to an invitation for bid or request for pro-~~
9 ~~posal.~~

10 ~~(16) Recyclable. Materials that still have useful physical, chemical~~
11 ~~or biological properties after serving their original purposes and can,~~
12 ~~therefore, be reasonably reused or recycled for the same or other purposes.~~

13 ~~(17) Recycled-content product. A product containing postconsumer~~
14 ~~waste and/or secondary waste as defined in this section.~~

15 ~~(18) Postconsumer waste. A finished material which would normally be~~
16 ~~disposed of as a solid waste, having completed its life cycle as a consumer~~
17 ~~item.~~

18 ~~(19) Secondary waste. Fragments of products or finished products of a~~
19 ~~manufacturing process, which has converted a virgin resource into a commod-~~
20 ~~ity of real economic value and may include a postconsumer waste.~~

21 ~~(20) Open contract. A contract awarded by the state of Idaho through the~~
22 ~~division of purchasing to one (1) or more vendors who have agreed to allow~~
23 ~~all agencies to procure or purchase specified property under the terms and~~
24 ~~conditions set forth in the contract.~~