

Terms and Definitions Commonly Used in Technical Proposals

Note: Terms and definitions provided reflect commonly used terminology for software procurement and may not reflect the terminology utilized by each jurisdiction. Always defer to the terminology used by your procurement department.

Agency Specific Contract: Agency Specific contracts are contracts where the specifications for a Product or a particular scope of work are described by centralized procurement to meet the needs of one or more specific agency's needs. These contracts are usually limited by quantities and delivery points. Agency specific contracts are agency term contracts for purchases made during a specified term period. (See also "As Specified Contracts" definition.) (New York State Office of General Services, 2018)

Aggregated Buy: An Aggregated Buy is the process whereby an Authorized User determines the specific contractor and final pricing for the purchase of a product, service or system on behalf of more than one Authorized User. Participation in an Aggregated Buy eliminates the need for an Authorized User to conduct a mini-bid or a best and final negotiation. (New York State Office of General Services, 2018)

Ancillary Product: An ancillary product is a product which is purchased or licensed on a restricted use basis in conjunction with the principal manufacturer's product being acquired (e.g., may be used only in combination, or by educational institutions for research use). (New York State Office of General Services, 2018)

Application Programmers Interface (API): A set of documentation and services which allow third parties (e.g., other vendors or local IT) to interact with the system. Examples include the ability for external applications to query, insert, delete, and execute processes

As-Specified Contract: As Specified contracts are contracts where the specifications for a Product or a particular scope of work are described and defined to meet one individual agency's needs. As specified contracts are "one time" purchases. (New York State Office of General Services, 2018)

Best and Fi Back-Drop: Back-Drop contracts are a pool of qualified vendors who are contracted with the jurisdiction and eligible to participate in the secondary mini-bid award process. Back-drop contracts are often multiple award, centralized contracts with the specifications for a general scope of work or product(s) to meet the needs of contract users. Bids are taken either at a certain date and time or may be accepted on a continuous recruitment basis, as described in the bid specifications. Selection of a contractor from among back-drop contract holders for an actual product, project or particular scope of work may subsequently be made on the basis of a mini-bid among qualified backdrop contract holders, on a single or sole source basis where the authorized user can establish appropriate justification,

or such other method as described in the bid document. (New York State Office of General Services, 2018)

Best and Final Negotiations: This is the process required for an Authorized User when making significant purchases from brand bid or negotiated contracts, or, in some cases, any purchase from a limited multiple award contract. A brand bid or negotiated contract covers the full product line of a specific brand of product (i.e. Compaq microcomputers, Cisco networking hardware and software, Hewlett-Packard printers, Oracle software, Polycom video systems, etc.). In addition, whenever an agency is making a first time major purchase such as purchasing a new system, or installing software for the first time, all options available to the agency should be evaluated, including an agency competitive procurement or use of a centralized contract. When the decision is made to purchase from a centralized contract, an agency should solicit best and final offers, based on the agency's statement of needs. Smaller purchases can be made directly from these contracts, but it is required that for certain minimum size orders and recommended for other smaller size orders, that Users either: Draft an informal statement of their needs and solicit best and final offers from competitive sources; or If the user can document a single source procurement, negotiate with the contractor of choice to finalize a best value purchase. The following awards include multiple contracts awarded by region. When making any purchase from these awards, it is required that the Authorized User solicit best and final offers from all contractors for the applicable region: Electronic Key Systems and Telephone Equipment; Digital Centrex Equipment; and Cable (installed). Awards that include multiple contracts outline the required Procurement Procedures for soliciting best and final offers. (New York State Office of General Services, 2018)

Best and Final Offer (BAFO): An invitation for the vendor to make a revised pricing proposal.

Best Value: A Best Value award is one that optimizes quality, cost and efficiency, typically applies to complex services and technology contracts, and is quantifiable whenever possible. Costs in the case of best value are distinguished from price. Costs include conversion costs, life-cycle costs, etc., and embody price, which is the amount charged by the vendor for the given commodity or service. (New York State Office of General Services, 2018)

Best Value Bid: A procurement method that emphasizes value in addition to price. The best value might not be the lowest cost. (NIGP: The Institute for Public Procurement, 2018)

Bid: A tender, proposal or quotation submitted in response to a solicitation from a contracting authority (Find RFP, 2018)

Bidders' Conference: A meeting to discuss with potential bidders, technical, operational and performance specifications, and/or the full extent of financial, security and other contractual obligations related to a bid solicitation (Find RFP, 2018)

Closing Date: The deadline for all bid submissions (Find RFP, 2018)

Cloud: The cloud is a term referring to accessing computer, information technology (IT), and software applications through a network connection, often by accessing data centers using wide area networking (WAN) or Internet connectivity. Almost all IT resources can live in the cloud: A software program or application, a service, or an entire infrastructure. For example, if a business wanted to build an IT infrastructure, typically it would install the servers, software, and networking resources it needed, but nearly all of those services and resources are now accessible by going to third parties that offer them in the cloud. (SDX Central, 2018)

Commercial Off the Shelf (COTS): An existing system with known functionality and existing install-base. Some capacity to configure (e.g., local fees, inspection checklist, security groups, etc.)

Competitive Bidding: Offers submitted by individuals or firms competing for a contract, privilege or right to supply specified services or merchandise (Find RFP, 2018)

Contract: Obligation between competent parties upon a legal consideration, to do or abstain from doing some act (Find RFP, 2018)

Contract Amendment: An agreed addition to, deletion from, correction or modification of a contract (Find RFP, 2018)

Contractor: One who contracts to perform work or furnish materials in accordance with a contract (Find RFP, 2018)

Contractor: Any individual or business having a contract with a governmental body to furnish goods, services, or construction for an agreed-upon price. (NIGP: The Institute for Public Procurement, 2018)

Database: A structured system for storing data. Commercial examples include SQL Server, Oracle, and DB2.

Data Center: A large group of networked computer servers typically used by

organizations for the remote storage, processing, or distribution of large amounts of data.

Data Conversion: The practice of extracting, cleansing, mapping, and transforming data from an existing data system to a different data system.

Direct Buy: The ability for an Authorized User to buy directly from an OGS contract using its standard form, format or purchase order, and which does not require a mini-bid, best and final negotiation, creation of a procurement record, or other required process, prior to making the buy. (New York State Office of General Services, 2018)

Environmental Health Information System (EHIS): A collection of databases, governance policies, people, paper and electronic files, reporting system, and connective hardware and software that support environmental health operations for one or more jurisdictions. These systems can consist of, but are not limited to:

- Geographic information systems (GIS)
- Relational databases
- Financial and HIPPA secured records
- Public record search portals
- Research and reporting operations
- Mobile and stationary user interfaces
- Hardware and software infrastructure required to maintain access and operation
- Governance and management personnel
- Every file in the environmental health office

Estimated Value: Indicates the approximate value of the contract (Find RFP, 2018)

Evaluation Committee/Team: A group of individuals established to conduct interviews and negotiations during proposal evaluation for a specific product or service. The teams typically represent the functional areas to be addressed in the discussions with a purchasing representative chairing the team. (NIGP: The Institute for Public Procurement, 2018)

Fast Track: This process is a streamlined (New York State Office of General Services, 2018)

Filed Requirements Contract: A Filed Requirements Contract is a term contract covering specified delivery points and estimated quantities. The intent is to guarantee a source of supply for a critical commodity for a specified period of time for agencies who have submitted, or

'filed' their requirements with centralized procurement. (New York State Office of General Services, 2018)

Invitation for Bid (IFB, IFBs): An IFB is also referred to as a sealed bid. It is usually for requirements over \$100,000, it is competitive, and the lowest bid will win (Find RFP, 2018)

Letter of Acceptance: A Letter of Acceptance is a letter to the successful bidder(s) indicating acceptance of its bid in response to a solicitation. Unless otherwise specified, the issuance of a Letter of Acceptance forms a contract but is not an order for product, and contractor should not take any action with respect to actual contract deliveries except on the basis of purchase orders sent from authorized user(s). (New York State Office of General Services, 2018)

Licensed Software: Licensed software includes ancillary products, error corrections, upgrades, enhancements or new releases, and any deliverables due under a maintenance or service contract (e.g. patches, fixes, PTFs, programs, code or data conversion, or custom programming). (New York State Office of General Services, 2018)

Licensee: A Licensee is one or more authorized users who acquire product from contractor by execution of a license in accordance with the terms and conditions of the contract, provided that, for purposes of compliance with an individual license, the term "Licensee " shall be deemed to refer separately to the individual authorized user (s) on whose behalf the license was executed who took receipt of the product, and who shall be solely responsible for performance and liabilities incurred. (New York State Office of General Services, 2018)

Licensor: A Licensor is a contractor who transfers rights in proprietary Product to Authorized Users in accordance with the rights and obligations specified in the Contract. (New York State Office of General Services, 2018)

Life Cycle Costs: Life Cycle Costs are defined as the sum of the fees and indirect costs in the purchase of a commodity, service or technology. Life Cycle Costing is used for procurements that involve the expenditure of funds for both the fees associated with the services to be procured (price) and costs associated with the introduction of the services into the environment (indirect costs). An example of the application of the Life Cycle Cost evaluation is the sum cost of the acquisition of a new computer environment (offer price) and the cost of a systems conversion necessitated by the installation of a new computer environment (indirect costs). (New York State Office of General Services, 2018)

Lowest Price: "Lowest Price " is the basis for awarding all commodity contracts among responsive and responsible offerers. (New York State Office of General Services, 2018)

Mini-Bid: A mini-bid process is required in certain contracts and the exact process is clearly outlined in the back-drop contracts. (New York State Office of General Services, 2018)

Mini-Bid Process: A formal mini-bid is the process whereby an Authorized User develops a project definition outlining their specific requirement and solicits bids from qualified back-drop contractors to determine the best value solution. From development of the project specifications to the project award takes from six to ten weeks, a fraction of the time when compared with the traditional RFP procurement. Project awards shall be based on "Best Value." (New York State Office of General Services, 2018)

Mini-Bid Project Definition: A Mini-Bid Project Definition is a bid document containing project specific bid specifications developed by or for an authorized user which solicits bids from Contractors previously qualified under a back-drop contract. (New York State Office of General Services, 2018)

Multiple Award: A Multiple Award is an award of a contract to more than one responsive and responsible bidder who meets the requirements of a specification, where the multiple award is made on the grounds set forth in the bid document in order to satisfy multiple factors and needs of authorized users. Those factors may include complexity of items, various manufacturers, differences in performance required to accomplish or produce required end results, production and distribution facilities, price, compliance with delivery requirements, geographic location or other pertinent factors. (ApB) A multiple award may be made as the result of a single IFB (e.g., books) or as the result of issuing a single contract for multiple IFB's for similar type products (e.g., PC's). (New York State Office of General Services, 2018)

Negotiated Contract: A contract established by agreements reached between a contracting entity and a vendor in lieu of issuing a bid document. While occasionally negotiation follows a competitive bid when only one bid is received, such resulting contracts are considered to be competitive procurements. (New York State Office of General Services, 2018)

Non-Responsible (Bid): A response to a bid or offer from a contractor, business entity or individual that does not have the ability or capability to fully perform the requirements of the bid or offer. A business entity or individual who does not possess the integrity and reliability to assure contractual performance. (NIGP: The Institute for Public Procurement, 2018)

Non-Responsive (Bid): A response to a bid or offer that does not conform to the mandatory or essential requirements contained in the Invitation for Bids (IFB).
Notice of Award: A written notification from the public entity to the successful bidder, or offeror stating that there is an award of a contract in accordance with a bid or proposal previously submitted, and that effective with receipt the vendor or contractor shall proceed with performance; allows work to start while contract is printed and readied for distribution. (NIGP: The Institute for Public Procurement, 2018)

Notice of Intent to Award: As a result of a competitive process, a public notice is issued and in some instances, where local laws allow, a Notice of Intent to Award is issued and award will occur only upon receipt of the specified items. (NIGP: The Institute for Public Procurement, 2018)

Offer: A response to a solicitation that, if accepted, would bind the offeror to perform the resulting contract. (NIGP: The Institute for Public Procurement, 2018)

Offeror: The person/entity who submits a proposal in response to a Request for Proposals (RFP). One who makes an offer in response to a solicitation. Also see Bidder (NIGP: The Institute for Public Procurement, 2018)

Pre-Bid Meeting: An in-person or phone meeting during which the agency reviews the project history, aspirations, requirements, response process, etc. Often questions are taken and (sometimes) answered. Often questions are answered in writing by issuing an addendum to the RFP.

Preferred Sources: To advance special social and economic goals, certain providers have preferred source status under the law. The acquisition of commodities and/or services from preferred sources is exempted from statutory competitive procurement requirements. All state agencies, political subdivisions and public benefit corporations (which includes most public authorities), are required to purchase approved products and services from preferred sources. (New York State Office of General Services, 2018)

Price: Price, unless otherwise specified, means the amount of money set as consideration for the sale of a commodity or service and may include, but is not limited to, when applicable and when specified in the solicitation delivery charges, installation charges and other costs. (New York State Office of General Services, 2018)

Prime Vendor Contract: A Prime Vendor Contract is a contract that establishes a single vendor or multiple vendors as the source for a broad range of goods and/or services associated with a given purchasing sector(s). OGS has currently let Prime Vendor contracts for food and household supplies, and industrial and commercial supplies and equipment. (New York State Office of General Services, 2018)

Procurement: The process of obtaining materials and services which includes the determination of requirements and acquisition from a supply system or by purchase from the trade (Find RFP, 2018)

Proposal: An offer, submitted in response to a request from a contracting authority, that constitutes a solution to the problem, requirement or objective in the request (Find RFP, 2018)

Proposal: A proposal is a document submitted by a vendor in response to some type of bid solicitation to be used as the basis for negotiations or for entering into a contract. (NIGP: The Institute for Public Procurement, 2018)

Protest: An oral or written objection by a potential interested party to a solicitation or award of a contract, with the intention of receiving a remedial result. (NIGP: The Institute for Public Procurement, 2018)

Purchase Order: A purchaser's written document to a vendor formalizing all the terms and conditions of a proposed transaction, such as a description of the requested items, delivery schedule, terms of payment, and transportation. (NIGP: The Institute for Public Procurement, 2018)

Request for Information (RFI): A Request for Information (RFI) provides a preliminary description of the program objectives and specifications and solicits input from offerers as to the availability of products and services to meet the agency's needs (New York State Office of General Services, 2018)

Request for Information (RFI): Request for Information, a formal document requesting specific information (e.g., system capabilities and pricing) from vendors. This document is non-binding for the submitter.

Request for Proposal (RFP): A formal method of solicitation where prospective suppliers are requested to submit a proposal for the provision of goods, works or services, based on the Specifications, Scope of Work, or Terms of Reference included in the solicitation documents. Normally used in cases where the requirements are complex; cannot be clearly or completely specified, where detailed technical evaluations are to be performed, and/or where pricing or cost may not be the sole basis of award. (United Nations, 2018)

Request for Proposal (RFP, RFPs) or Request for Tender (RFTs, RFT): An RFP, while generally used for requirements of \$25,000 or more, is often employed for requirements where the selection of a supplier cannot be made solely on the basis of the lowest price. An RFP is used to procure the most cost-effective solution based upon evaluation criteria identified in the RFP (Find RFP, 2018)

Request for Quotation (RFQ, RFQs): An RFQ is normally sent out when a requisition is received for goods and services valued at less than \$25,000. The bid documents are kept simple so that the contract can be awarded quickly (Find RFP, 2018)

Request for Quotation (RFQ): An informal method of solicitation whereby suppliers are requested to submit a quotation for the provision of goods or services. Normally used for standard, off-the-shelf items, where the value of the procurement falls below the established threshold for formal methods of solicitation. (United Nations, 2018)

Request for Quotation (RFQ): Request for Quote, a formal document inviting vendors to propose a price for a specific project.

Request for Quotation (RFQ) / Letter Quote (LQ): A Request for Quotation (RFQ), also referred to as Letter Quote (LQ), is a type of bid document which can be used when a formal bid opening is not required (e.g. discretionary, sole source, single source or emergency purchases). (New York State Office of General Services, 2018)

Requirements Matrix: The part of the request which specifies the requirements of the desired system. Can often be very prescriptive and technical or very vague.

Responsive Bidder/Offeror: A contractor, business entity or individual who has submitted a bid or proposal that fully conforms in all material respects to the IFB/RFP and all of its requirements, including all form and substance. (NIGP: The Institute for Public Procurement, 2018)

Responsible Bidder: Responsible Bidder is a bidder that is determined to have skill, judgment and integrity, and that is found to be competent, reliable, experienced and qualified financially, as determined by the Commissioner (OGS/PSG). (ApB) A Responsive Bidder is a bidder whose offer meets the specifications or requirements prescribed in the bid document or solicitation, as determined by the Commissioner (OGS/PSG). (New York State Office of General Services, 2018)

Scope of Work: A detailed, written description of the conceptual requirements for the project contained within a Request for Proposal. The scope of work should establish a clear understanding of what is required by the entity. (NIGP: The Institute for Public Procurement, 2018)

Sealed Bid: A formal submission from a bidder/offeror submitted in response to an invitation to bid (ITB). It is submitted in a sealed envelope to prevent its contents from being revealed before the time and date set for the bid opening. (NIGP: The Institute for

Public Procurement, 2018)

Server: A computer that facilitates access to a centralized resource or service in a network.

Service or Services: Service or services means, except with respect to contracts for state printing, the performance of a task or task and may include a material good or a quantity of material goods, and which is the subject of any purchase or other exchange, For the purposes of this article, technology shall be deemed a service. Services, as defined in this article, shall not apply to those contracts for architectural, engineering or surveying services, or those contracts approved in accordance with article eleven-b of this chapter. (SFL) Services consist of the performance of a task or tasks, which may include the use of a material good or a quantity of material goods. According to the Procurement Stewardship Act of 1995, this definition includes technology, which can be either a good or a service or a combination thereof (often referred to as bundled acquisitions). (New York State Office of General Services, 2018)

Single Source: A Single Source procurement is one in which two or more vendors can supply the commodity, technology and/or perform the services required by an agency, but the state agency selects one vendor over the others for reasons such as expertise or previous experience with similar contracts. (New York State Office of General Services, 2018)

Single Source: Single source means a procurement in which although two or more Contractors (or participating resellers) can supply the required product or service, the Authorized User, upon written findings setting forth the material and substantial reasons therefore, may award the order to one Contractor (or participating reseller) over the other(s). The Authorized User shall document in the procurement record the circumstances leading to the selection of the vendor, including the alternatives considered, the rationale for selecting the specific vendor and the basis upon which it determined the cost was reasonable. Refer to the Procurement Council Guidelines located at the OGS website for further information on Single and Sole Source. (New York State Office of General Services, 2018)

Small Business Concern: Small business concern or small business means a business which is resident in this state, independently owned and operated, not dominant in its field and employs one hundred or less persons. (New York State Office of General Services, 2018)

Software as a Service (SaaS): Software as a service is a software licensing and delivery model in which software is licensed on a subscription basis, is centrally hosted, and accessed using the Internet.

Sole Source: A Sole Source procurement is one in which only one vendor can supply the commodities, technology and/or perform the services required by an agency. (PG) "Sole source" means a procurement in which only one Contractor is capable of supplying the required product or service. (New York State Office of General Services, 2018)

Sole Source Procurement: A situation created due to the inability to obtain competition. May result because only one vendor or supplier possesses the unique ability or capability to meet the particular requirements of the solicitation. The purchasing authority may require a justification from the requesting agency explaining why this is the only source for the requirement.
network.

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Solicitation: An invitation for bids, a request for proposals, telephone calls or any document used to obtain bids or proposals for the purpose of entering into a contract. (NIGP: The Institute for Public Procurement, 2018)

Statewide Term Contract: A Statewide Term Contract is a term contract open to all State agencies, political subdivisions, and all others authorized by law to participate. Though the bid document may define or limit authorized contract users, the norm calls for the broadest possible participation. (WBS) Using an Invitation for Bid (IFB) or a Request for Proposal (RFP) The decision as to which procurement method or model to use is at the discretion of the procuring agency. Generally speaking, less complex procurements for commodities, services and/or technology should use an IFB and more complex procurements should use an RFP. (New York State Office of General Services, 2018)

Technology: Technology is defined as a good or a service or a combination thereof, that results in a technical method of achieving a practical purpose or in improvements in productivity. Technology may be new or used. (PG) "Technology" means either a good or a service or a combination thereof, that results in a technical method of achieving a practical purpose or in improvements in productivity. Goods may be either new or used. (New York State Office of General Services, 2018)

Term Contract: A Term Contract is any contract covering purchases made during a specified time period. (New York State Office of General Services, 2018)

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