

## Chapter Adm 6

## DEFINITIONS

## Adm 6.01 Definitions

**Adm 6.01 Definitions.** In chs. Adm 7 and 8, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning.

(1) "Bid" means a price quotation specifically given to a prospective purchaser by a prospective seller; a bid is an offer to sell.

(2) "Bid file" means a file maintained by a procuring agency that contains: the original bid response with an indication of the date and time received, original copy of request for bid, original bidders list, an abstract of bids received, a listing of any late bids, the names of successful bidders, justification for any lower bids rejected, a statement of the application of life-cycle cost formula, Wisconsin bidder preference, minority bidder preference, sheltered workshop preference, and "buy American" preference, where pertinent.

(3) "Bidder" means a person or firm which submits a competitive bid in response to requests for bids.

(4) "Bidders list" means a list maintained by a procuring agency, setting out the names and addresses of suppliers of various goods from whom bids, proposals, and price quotations can be solicited.

(5) "Competitive bidding" means the offer of prices by individuals or firms competing to supply specified goods.

(6) "Competitive negotiation" means soliciting proposals when an award cannot be made strictly on specifications or price and several individuals or firms are qualified to furnish the product.

(7) "Department" means the department of administration.

(8) "Discounts for early payment" means a discount for a payment made within a specific time period.

(9) "Lowest responsible bidder" means the person or firm submitting the competitive bid with the lowest price that meets the specifications contained in the requests for bids. In establishing the lowest responsible bidder, all of the following factors may be considered:

(a) The financial ability to provide the services required or to complete the contract;

(b) The skill, judgment, experience, and resources to complete the contract;

(c) The necessary facilities, staff, personnel, and equipment to complete the contract;

(d) The demonstrated ability to satisfactorily perform the work or provide the materials in a prompt, conscientious manner;

(e) The demonstrated ability to comply in situations where the award is contingent on special considerations subject to the nature of the services or contract required; and

(f) Any other factor determined to be relevant in assessing the bidder's ability to supply as required.

(10) "Municipality" means a county, city, village, town, school district, board of school directors, sewer district, drainage district, vocational, technical, and adult education district, or any other public or quasi-public corporation, officer, board or other body having the authority to award public contracts.

(11) "Procurement" means the process of obtaining goods, including all activities from the planning process, preparation, and processing of a requisition, through receipt and approval of the final invoice for payment.

(12) "Procuring agency" means the state agency which conducts the purchasing transaction.

(13) "Proprietary" means owned by a private individual or corporation under a copyright, trademark, or patent.

(14) "Requests for bids" means all documents used for soliciting bids.

(15) "Solicitation" means the process of notifying prospective bidders that the state wishes to receive bids or proposals on goods. The process may consist of public advertising, the mailing of requests for bids, posting of notices, or telephone calls to prospective bidders, verbal notice, or any other means that makes the state's intentions known to potential suppliers.

(16) "Specification" means a description of what the procuring agency requires and, consequently, what a bidder must offer to be considered for an award. A specification may be a description of the physical or functional characteristics, or of the nature of a supply. It may include a description of any requirement for inspecting, testing, or preparing a supply item for delivery, the necessary performance criteria, and a description of the procedures to be followed when submitting and evaluating bids.

History: Cr. Register, September, 1986, No. 369, eff. 10-1-86.