

## INDEX

### A

advance payments, 1-13, 7-2  
Alternate Dispute Resolution (ADR). *See*  
Dispute Resolution  
Amendments  
approval, 1-3  
Sample Settlement Amendment, 10-53  
Appropriations, 1-3  
Approvals  
advance payments, 1-13  
Attorney General, 1-12  
Attorney General Office policies, 8-6  
Central Services, 1-10  
CLIN tables, 1-11  
Department of Personnel (privatization)  
policies, 8-2  
Division of Purchasing policies, 8-4  
modifications and amendments, 1-13  
real estate/lease contracts, 1-10  
routing, 1-11  
routing chart, 8-1  
special procurements, 1-10, 2-2  
State Contoller's Office policies, 8-8  
State Controller, 1-12  
State Risk Manager, 1-11  
telecommunications contracts, 1-10  
Attorney General, 1-12  
routing and review policies and  
procedures, 8-6  
Authority, 2-2. *See* Planning and lead time  
Authority to buy, 1-3  
Avoiding Performance Remedies  
Avoiding Contract Interruptions, 10-65

### B

Bid Information Distribution System  
(BIDS), 4-1

### C

Capital construction, 4-9

CATF. *See* Contract Improvement  
CCIT. *See* Contract Improvement  
Central approvers, 8-2  
review policies/procedures, 8-2  
Checklists  
Administration of State property, 10-23  
contract pricing considerations, 5-12  
contract review checklist, 9-1  
Defining Need, 10-5  
Dispute Resolution, 10-47  
Negotiation, 10-47  
performance remedies, 10-67  
price negotiation considerations, 5-12  
privatization review summary, 3-8  
RFP process, 4-4  
Subcontract Management Considerations,  
10-37  
work description considerations, 2-11  
Clauses and forms  
acceptance, 6-86  
advance funds or payments, 6-98  
assignment and successors, 6-94  
audit, 6-114  
Caption/whereas clauses, 6-76  
certifications (federal grant), 6-118  
changes, 6-110  
Compensation, 6-91  
Compliance with Law, 6-97  
confidentiality, 6-97, 6-99  
conflict of interest (grants), 6-115  
contract period, 6-78  
contract terms, 6-97  
Cooperation of the Parties, 6-97  
cost or pricing data, 5-8  
Cost or Pricing Data, 6-98  
Data and Document Deliverables, 6-99  
data rights, 6-85  
Erroneous Termination for Default, 6-91  
federal audit provisions, 6-115  
federal examination of records clause, 6-  
115  
federal funding, 6-113

- force majeure, 6-95
- general terms and conditions, 6-14
- generally, 6-75
- governmental immunity, 6-96
- grant assurances (federal), 6-116
- grant provisions, generally, 6-113
- indemnification and limitation of liability, 6-57
- inspection and acceptance, 6-86
- integration of understanding, 6-96
- interagency agreement, 6-131
- legal authority, 6-85, 6-114
- Licenses, Permits, and Responsibilities, 6-100
- maintenance of records, 6-114
- matching fund requirements, 6-114
- maximum compensation, 6-82
- modification and amendment, 6-97
- patent rights (grants), 6-116
- payments, 6-83
- price or cost, 6-81
- provisions to grant-type contracts, 6-113
- records, 6-114
- remedies, 6-86
- Reporting, 6-98
- representatives and notice, 6-93
- rights in data and copyright (grants), 6-116
- rights in data, documents, and computer software, 6-85
- scope of work, 6-78
- severability, 6-96
- software rights, 6-85
- special provisions, 6-124
- standard insurance requirements, 6-91
- Tax Exempt Status, 6-97
- Termination by the Contractor, 6-90
- Termination by the State, 6-90
- termination for convenience, 6-87
- termination for convenience (long form), 6-88
- termination for default (long form), 6-90
- third party beneficiaries, 6-95
- vendor agreement, 6-7
- waiver, 6-96
- Clauses and Forms
  - Contractor Name Changes, 10-29
  - Name Changes, 10-29
  - Novation Agreement, 10-30
  - Release of Claims, 10-54
  - Settlement Agreement, 10-53
- Clauses and forms
  - termination for default (short form), 6-89
- CLIN and CLI2 tables, 1-11
- Colorado Procurement Code, 6-5
- Commitment vouchers, 1-1
  - types, 1-2
- Commitment Vouchers
  - Purchase Orders, 1-2, 1-3, 1-4, 1-8, 2-4, 2-7, 6-1, 6-2, 6-3, 6-4, 6-5, 6-7, 6-27, 6-28, 6-34
- Competitive sealed bidding, 4-3. *See* Contractor selection
- competitive sealed proposals, 1-7
  - BAFOs. *See* best and final offers, this topic
  - best and final offers, 1-7
  - discussions, 1-7
- Competitive sealed proposals
  - auctions, 4-5
  - best and final offers (BAFOs), 4-6
  - discussions, 4-5
  - requests for proposals, 4-4
  - RFP process, 4-4
  - technical leveling and transfusion, 4-5
- Contract Close-Out
  - Evaluating and Documenting the Results, 10-72
- Contract improvement
  - user groups, 1-14
- Contract Improvement, 1-14
  - CATF, 1-14
  - CCIT, 1-14
- Contract Management, 10-1, 10-24
  - Bankruptcy, 10-24
  - Beginning Contract Administration, 10-3
  - Best Alternative to Negotiated Settlement (BATNA), 10-40
  - Close-Out, 10-72
  - Contract Administration File, 10-12
  - Contract Management Guide, 10-1
  - Contract Modifications, 10-26

- Contract Types, 10-7
- Cost and Price Ceilings, 10-11
- Cost Reimbursement Contracts, 10-9
- Definition, 10-2
- Dispute Resolution, 10-38
- Financial Administration, 10-24
- Firm, Fixed Price Contracts, 10-9
- Funding, 10-24
- Indefinite Delivery Contracts, 10-10
- Introduction, 10-1
- Partnering, 10-14
- Performance Remedies, 10-56
- Pre-Contract, 10-3
- Responsibilities, 10-2
- Risk Assessment, 10-13
- Service Contracts, 10-8
- Statement of work, 10-3
- Supply Contracts, 10-7
- Time and Material/Labor Hour Contracts, 10-10
- Understanding the Contract, 10-5
- Contract management and administration, 1-14
- Contract Modifications, 10-26
- Contract pricing
  - advance payments, Controller approval, 1-13
  - allocating costs, 5-7
  - allowability, grants, 5-2
  - catalog prices as a basis, 5-3
  - Checklist of considerations, 5-12
  - clause requesting cost or pricing data, 5-8
  - consistency in allocating costs, 5-7
  - cost or pricing data exceptions, 5-2
  - Cost or Pricing Data, requesting, 5-8
  - direct costs, 5-5
  - fair and reasonable prices/rates, 5-2
  - federal grants, 5-2
  - generally, 5-1
  - grants, pricing, 5-9
  - historical prices as a basis, 5-4
  - independent cost estimates as a basis, 5-4
  - indirect costs, 5-6
  - life cycle cost, 5-1
  - OMB cost principles, 5-2
  - overhead, 5-6
  - price analysis, 5-3
  - price negotiation memorandum, 5-4
  - profit, considerations, 5-9
  - reasonableness in allocating costs, 5-7
  - regulated prices as a basis, 5-4
  - requirement for cost or pricing data, 5-2
  - rules for adequate competition, 5-3
  - variable costs, 5-7
- Contract review checklist, 9-1
- Contract Types, 6-27
  - easements, 6-48
  - equipment maintenance contracts, 6-36
  - grant contracts, 6-37
  - informational technology contracts, 6-29
  - interagency agreements, 6-41
  - intergovernmental contracts, 6-41
  - leases and license agreements, 6-42
  - loan contracts, 6-39
  - multi-party contracts, 6-54
  - novation contracts, 6-53
  - personal service contracts, 6-28
  - professional services contracts, 6-32
  - purchased services contracts, 6-30
  - real estate purchases and exchanges, 6-50
  - revenue generating contracts, 6-51
  - settlement agreements with state employees, 6-52
  - settlement contracts, 6-53
  - supply verses service contracts, 6-27
- Contractor selection
  - BIDS, 4-1
  - capital construction, 4-9
  - competitive bidding, 1-6
  - Competitive sealed bidding, 4-3
  - competitive sealed proposals, 1-7
  - documented quotes, 4-3
  - emergency procurements, 1-9
  - emergency purchases, 4-7
  - leases, 4-9
  - Procurement Code applicability, 4-2
  - professional services, 4-6
  - real estate/lease contracts, 1-10
  - requests for proposals, 4-4
  - small dollar purchases, 4-3
  - sole source procurement, 1-9, 4-6
  - special circumstances procurement, 4-8

- state price agreements, 1-10
- statements of qualification, 4-6
- Contracts
  - approach to drafting statement of work, 2-7
  - brand name or equal, 2-10
  - contract type, 2-8. *See also* Contract Type, this index
  - Definition, 10-1
  - deliverables, 2-10
  - described, 1-4
  - design specifications, 2-9
  - drafting, 6-7
  - essential elements, 2-8, 6-9
  - independent contractor requirements, 3-7
  - method specifications, 2-9
  - monitoring and final acceptance, 2-10
  - performance specifications, 2-8
  - practical differences with purchase orders, 1-4
  - purchase orders distinguished, 1-4
  - purchase orders vs contracts, 1-9
  - signature authority, 6-16, 6-17
  - specifications, types, 2-8
  - standards, e.g. ANSI, 2-9
  - statement of work considerations, 2-11
  - statements of work, 2-7
- Controller. *See* State Controller
- Cost accounting, 5-7, 5-10
- Cost Accounting
  - audit clause, 6-114
- Cost or pricing data. *See* Contract Pricing
- privatization review, generally, 1-5, 3-1
- waivers (program waivers), 3-4
- Departmental Accounting Procedures
  - advance payments, 7-2
  - CLIN and CLI2, 7-3
  - encumbrance, 7-1
  - internal routing suggestions, 7-3
  - responsibilities, 7-1, 7-2
- Dispute Resolution
  - ADR. *See* Dispute Resolution ADR Considerations, 10-50
  - Alternative Dispute Resolution. *See* Dispute Resolution
  - Arbitration, 10-44
  - Checklist of Considerations, 10-47
  - Contract Adjustments, 10-45
  - Contract Interpretation Principles, 10-51
  - Generally, 10-38
  - Mediation, 10-43
  - Mini-Trials, 10-44
  - Negotiation, 10-40
  - Negotiation Memoranda, 10-46
  - Other Techniques, 10-43
  - Releases, 10-45
  - Responsibilities, 10-39
  - Sample Settlement Amendment, 10-53
  - Settlement Amendments, 10-45
- Division of Central Services, 1-10
- Division of Purchasing
  - routing and review policies and procedures, 8-4

## F

- Forms
  - Interagency Agreement, 6-131
- Funds availability, 2-2

## G

- Grants
  - cost analysis, 5-9
  - matching requirements, 5-11
  - OMB cost principles, 5-2
  - pricing, 5-2, 5-9
  - procurement standards, 5-11
  - The Common Rule, 5-2

## D

- Department Accounting Procedures
  - Controller review duties, 7-1
- Department of Personnel, 1-5
  - annual reporting, 3-7
  - exceptions from review requirement, 1-5, 3-3
  - forms, 3-2, 3-7
  - grounds for approval, 3-4
  - independent contractors, 3-7
  - limitation on use of State temporary employees, 3-6
  - pre-approval, 3-2, 3-6

**H**

HIPAA, 6-55, 6-56, 6-57

**I**

Independent contractor  
importance, 1-5  
Insurance  
automobile, 6-66  
certificate holder, 6-68  
Certificates of Insurance, 6-65  
fire damage, 6-66  
general liability, 6-65, 6-69  
Limits of Liability, 6-65  
property casualty, 6-68  
umbrella liability, 6-67  
workers' compensation, 6-67  
Intellectual Property, 6-69  
copyright protection, 6-70  
independent contractors, 6-75  
patent, 6-70  
software, 6-73  
trade secrets, 6-72  
trademark, 6-71  
Interagency agreement  
form, 6-131  
Interagency Agreement, 6-131  
Interpretation of Contracts  
Principles, 10-51  
Introduction to state contracting, 1-1

**L**

Lead time information, 2-4  
proposed table of lead times, 2-6  
Leases, 4-9  
Liquidated Damages, 10-60

**M**

Modifications and Remedial Clauses  
Bilateral Change Orders, 10-28  
Options, 10-28  
Other Types Generally, 10-27  
State Furnished Property, 10-28  
Task Orders, 10-29

**N**

Name Changes by Contractor, 10-29  
Negotiation, 10-40

**O**

Options and Renewals, 10-28  
Generally, 10-73  
Option Explained, 10-73  
Renewals Distinguished, 10-73  
Scope Issues, 10-74  
Use of Contract Amendments, 10-73

**P**

Partnering, 10-14  
Payment  
types, 6-11  
Payment provisions  
advance payment and Controller  
approval, 1-13  
essential elements, 6-10  
Performance Remedies  
Beneficial Occupancy, 10-61  
checklist for managers, 10-67  
Contracts for Goods, 10-56  
Contracts for Services, 10-57  
Cover by Seller, 10-57  
Damages, 10-63  
Excess Costs Liability, 10-63  
Excusable Delay, 10-63  
Force Majeure, 10-61  
Inspection Right, 10-57  
Liquidated Damages, 10-60  
Rejection, 10-57  
Revocation of Acceptance, 10-57  
Right to Rescind, 10-56  
Substantial Breach, 10-62  
Substantial Breach in Service Contracts,  
10-58  
Substantial Completion, 10-61  
Termination for Convenience, 10-63  
Termination for Default, 10-62  
Waiver of Delivery Dates, 10-61  
Warranties, 10-59  
Withholding Payments, 10-58

Personal services contracts. *See* Department of Personnel  
Department of Personnel review, 1-5  
Planning and lead time, 2-4. *See* Checklists for abbreviated planning considerations  
approach, 2-1  
authority, 2-2  
availability of funds, 2-2  
cost estimates, 2-3  
Defining Need, 10-5  
funds availability, 2-2  
initial statement of need, 2-1  
interagency coordination, 2-2. *See also* Special procurements  
personal services (privatization), 2-3  
procurement method, 2-4  
proposed table of lead times, 2-6  
statements of work, 2-7  
time lines, 2-7  
Price agreements, 4-2  
Pricing. *See* Contract Pricing  
Pricing Changes and Modifications, 10-29  
privatization. *See* Department of Personnel  
Procurement. *See* Contractor selection  
Contractor Selection, 10-5  
Property. *See* State Property  
Purchase Order, 1-2, 1-3, 1-4, 1-8, 2-4, 2-7, 6-1, 6-2, 6-3, 6-4, 6-5, 6-7, 6-27, 6-28, 6-34  
Purchase orders  
contracts distinguished, 1-3  
defined, 1-3  
Purchase Orders  
contracts vs purchase orders, 1-9  
practical differences with contracts, 1-4  
Purchasing and Procurement. *See also* Special Procurements. *See also* Contractor Selection  
delegated authority, 1-8  
differences between public and private purchasing, 1-6  
Group I and II agencies, 1-6, 1-8

## R

Ratification, 7-1  
Renewals. *See* Options and Renewals

Requests for Proposal. *See* competitive sealed proposals  
Resolicitation, 10-74  
Routing chart, 8-1

## S

Scope Issues  
Modifications and Remedial Clauses, 10-74  
Small purchases, 4-3  
sole source procurement, 4-6  
Special procurements  
agency approval required, 1-10, 2-2  
Central Services, 1-10, 2-2  
interagency coordination, 2-2  
printing, 1-10, 2-2  
professional services, 4-6  
real estate/lease contracts, 1-10  
state price agreements, 1-10, 4-2  
telecommunications contracts, 1-10  
vehicles, 1-10  
Specifications  
brand name or equal, 2-10  
method specifications, 2-9  
performance specifications, 2-8  
standards, e.g. ANSI, 2-9  
State Controller, 1-2, 1-12  
advance payments, 1-13, 7-2  
commitment vouchers, 1-2  
Controller's Statute, 7-1  
duties during review of contract, 7-1  
responsibilities, 7-1  
review policies and procedures, 8-8  
State Property  
State Acquired Property, 10-23  
State Furnished Property, 10-23  
State Risk Manager, 1-11  
Statement of work, 10-3  
Statements of work. *See also* Contracts  
deliverables, 2-10  
essential elements, 2-8  
generally, 2-7  
method specifications, 2-9  
monitoring and final acceptance, 2-10  
performance specifications, 2-8  
specifications, types, 2-8

standards, e.g. ANSI, 2-9  
statement of work considerations, 2-11  
Subcontracts  
"Flow-Down" of State Clauses, 10-35  
Administration, Generally, 10-34  
Assignments, 10-36  
Checklist of Management Considerations,  
10-37  
Checklist of Management Considerations,  
10-37  
Directing, 10-35  
Directing Selection of Subcontractors, 10-  
35  
State Approval, 10-34  
State Relationship with, 10-35

### T

Task Orders, 10-29  
Termination for Cause/Default, 10-62  
Termination for Convenience, 10-63

### U

Uniform Commercial Code, 10-56  
Inspection Right, 10-58  
Remedies for Breach, 10-57

### V

Vendor selection. *See* Contractor selection

### W

Waived contracts  
privatization review waiver, 3-4  
Waiver of Contract Requirements, 10-61  
Warranties, 10-59  
Disclaimers, 10-60  
Express, 10-59  
Implied Warranty of Fitness for Particular  
Purpose, 10-59  
Implied Warranty of Merchantability, 10-  
59  
Service Contracts, 10-60