APPENDIX J GLOSSARY

"A/E" means the design professional with whom the agency is seeking or has a contractual agreement.

"Agency" means any governmental body of the State which utilizes any supplies, services, or construction purchases under the Procurement Code.

"Architect" means an individual or firm experienced in and legally qualified to practice architecture in South Carolina. However, wherever the word "Architect" appears in the Office of State Engineer documents, the intent is the design professional (A/E) with whom the agency is seeking or has a contractual agreement.

"Architect-Engineer and Land Surveying Services" are those professional services associated with the practice of architecture, professional engineering, land surveying, landscape architecture and interior design pertaining to construction, as defined by the laws of this State, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals and other related services.

"Board" means State Budget and Control Board or its duly authorized representatives.

"Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other legal entity.

"Change Directive" means a written order, prepared by the A/E and signed by the procurement officer, directing the contractor to make changes in the work, which the changes clause of the contract authorizes the procurement officer to order, without the consent of the contractor.

"Change Order" means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual agreement of the parties to the contract.

"Chief Procurement Officer" means (a) the management officer for information technology, (b) the State Engineer for areas of construction, architectural and engineering, construction management, and land surveying services, and (c) the Materials Management Officer for all other procurements.

"Construction" means the process of building, altering, repairing, remodeling, improving or demolishing any public structure or building or other public improvement of any kind to any real property. It does not include the routine repair, maintenance, routine maintenance, operation, or routine operation of existing structures, buildings or real property.

Examples of Construction:

1. Demolition
2. Renovation
3. New buildings
4. Sitework
5. Utilities

"Construction Management Services" are those professional services associated with a system in which the using agency directly contracts with a professional construction manager to provide that group of management activities required to plan, schedule, coordinate, and manage the design and construction of a state project in a manner that contributes to the control of time, cost, and quality of construction as specified in the construction management contract.

"Construction-Related Professional Services" means consulting services for construction normally employed on a fee basis (e.g. architect, engineer, construction manager or surveyor).

"Contract" means all types of state agreements, regardless of what they may be called, for the procurement or disposal of supplies, services or construction.

"Contractor" means any person or firm having a contract with an agency.

"Cost Effectiveness" means the ability of a particular product or service to efficiently provide goods or services to the State. In determining the cost effectiveness of a particular product or services, the appropriate chief procurement officer shall list the relevant factors in the bid notice or solicitation and use only those listed relevant factors in determining the award.

"Days" means calendar days. In computing any period of time prescribed by the S.C. Consolidated Procurement Code or the ensuing regulations, or by any order of the Procurement Review Panel, the day of the event from which the designated period of time begins to run is not included. If the final day of the designated period falls on a Saturday, Sunday, or a legal holiday for the state or federal government, then the period shall run to the end of the next business day.

"Debarment" means the disqualification of a person to receive invitations for bids, or request for proposals, or the award of a contract by the State, for a specified period of time commensurate with the seriousness of the offense or the failure or inadequacy of performance.

"Designee" means an authorized representative of a person with formal responsibilities under the Procurement Code.

"Employee" means an individual drawing a salary from a governmental body, whether elected or not, and a nonsalaried individual performing personal services for any governmental body.

"Engineer" means an individual or firm experienced in and legally qualified to practice engineering in South Carolina. However, wherever the word "Architect" appears in the Office of State Engineer documents, the intent is the design professional (A/E) with whom the agency is seeking or has a contractual agreement

"Feasibility Study" is a detailed investigation and analysis conducted to determine the financial, economic, technical or other advisability of a proposed project.

"Final Completion" means that the work has been completed in accordance with the terms and conditions of the contract.

"Governmental Body" means any state government department, commission, council, board, bureau, committee, institution, college, university, technical school, legislative body, agency, government corporation or other establishment or official of the executive, judicial or legislative branches of this State. Governmental body excludes the General Assembly and all local political subdivisions such as counties, municipalities, school districts or public service or special purpose districts.

"Grant" means the furnishing by the State or the United States government of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award the primary purpose of which is to procure specified end products, whether in the form of supplies, services or construction. A contract resulting from such an award shall not be deemed a grant but a procurement contract.

"Information Technology (IT)" means data processing, telecommunications and office systems technologies and services:

(a) "data processing" means the automated collection, storage, manipulation and retrieval of data including: central processing units for micro, mini and mainframe computers; related peripheral equipment such as terminals, document scanners, word processors, intelligent copiers, off-line memory storage and printing systems, data transmission equipment; and related software such as operating systems, library and maintenance routines and applications programs.

(b) "telecommunications" means voice, data, message and video transmissions, and includes the transmission and switching facilities of public telecommunications systems, as well as operating and network software.

(c) "office systems technology" means office equipment such as typewriters, duplicating and photocopy machines, paper forms and records; microfilm and microfiche equipment and printing equipment and services.

(d) **"services"** means the providing of consultant assistance for any aspect of information technology, systems, and networks.

"Invitation for Bids" means a written or published solicitation issued by an authorized procurement officer for bids to contract for the procurement or disposal of state supplies, services or construction, which will ordinarily result in the award of the contract to the responsible bidder making the lowest responsive bid.

"JBRC" means the Joint Bond Review Committee.

"Letter Contract" is a contract for a specific product or service which may by size or requirement preclude the use of contracts normally in use. A letter contract shall be written on the letterhead of either of the signatories to the contract.

"Maintenance" means services and supplies necessary to keep real property in its existing state or condition. This includes replacement of components which have worn out or reached the end of their normal life expectancy with like or similar components. This is limited to items that can be replaced without the aid of architects and engineers and which do not affect codes or life-safety issues. Examples are repainting and recarpeting of existing facilities. All mechanical, electrical and plumbing work should be treated as construction and should go through the OSE, unless within the agency's certification.

"Materials Management Officer" means the person holding the position as the head of the Materials Management Office of the State.

"Non-PIP" means non-permanent improvement project.

"Operation" means services and supplies necessary to keep real property functional or operational. "Services" means the furnishing of labor, time, or effort by a contractor not required to deliver a specific end product, other than reports which are merely incidental to required performance.

Examples of Operation:

1. Air Conditioning maintenance contract
2. Ground pollution monitoring contract
3. Wastewater plant maintenance contract
4. Water plant maintenance contract
5. Food service operation contract

"OSE" means the Office of State Engineer.

"Owner" means the Agency.

"PIP" means permanent improvement project(s).

"Prime Bidder" means any person or firm who submits a bid directly to the agency to build, alter, repair, improve or demolish any public structure or building, or real property improvements of any kind to public real property.

"Prime Contractor" means a person who has a contract with the State to build, alter, repair, improve or demolish any public structure or building, or other real property improvements of any kind to any public real property.

"Procurement" means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the obtaining of any supply, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration.

"Procurement Code" refers to the South Carolina Consolidated Procurement Code as taken from the South Carolina Code of Laws, 1976, as amended, Sections 11-35-10 through 11-35-5270.

"Procurement Officer" means any person duly authorized by the governmental body, in accordance with procedures prescribed by regulation, to enter into and administer contracts and make written determinations

and findings with respect thereto. The term also includes an authorized representative of the governmental body within the scope of his authority.

"Project Management Services" are professional services for which the agency directly contracts with a professional person or firm to provide the overall management of a construction project. The services may include management related to time, cost, quality of construction and coordination during the pre-construction phase and the construction phase. The Project Management person or firm may be required to work in cooperation with, and in reliance upon, the services of an architectural or engineering person or firm hired by the agency under a separate contract.

"Purchasing Agency" means any governmental body other than the chief procurement officers authorized by the Procurement Code or by way of delegation from the chief procurement officers to enter into contracts.

"Real property" means any land, all things growing on or attached thereto, and all improvements made thereto including buildings and structures located thereon.

"Rehabilitation, Renovation and Remodeling Projects" are projects whose purpose is to restore or upgrade an existing facility or system to the "Satisfactory" standard. Also included are projects that change the functional character of space, modify capacity for the number of persons to be accommodated by the area for purposes of the currently assigned programmatic functions, or alter spatial relationships provided by the area for purposes of the currently assigned functions or improving its operating efficiency.

"Repairs" means the process of restoring, to a serviceable condition, by putting back together real property which is damaged. For the purpose of this definition, the term "Repair" shall only apply to damage caused by accidents, vandalism, or acts of God with total cost of $25,000.00 or greater. The term "Repair" does not apply to real property which has worn out or reached the end of its normal life expectancy.

Examples of Repairs:
1. Vandalism
2. Accidents
3. Flood, lightening or wind damage
4. Fire damage

"Responsible Bidder or Offeror" means a person or firm who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance which may be substantiated by past performance. In accordance with Regulation 19-445.2125(A) of the Procurement Code, factors to be considered in determining whether the state standards of responsibility have been met include whether a prospective contractor has:

1. available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements;
2. a satisfactory record of performance;
3. a satisfactory record of integrity;
4. qualified legally to contract with the State; and
5. supplied all necessary information in connection with the inquiry concerning responsibility.

"Responsive Bidder" means a person who has submitted a bid which conforms in all material aspects to the invitation for bids.

"Routine Repairs" means the process of restoring, to a serviceable condition, by putting back together real property which is damaged. For the purpose of this definition, the term "Routine Repair" shall only apply to damage caused by accidents, vandalism, or acts of God with total cost of less than $25,000.00. The term "Repair" does not apply to real property which has worn out or reached the end of its normal life expectancy.

Examples of Routine Repairs:
a. Vandalism
b. Accidents
c. Flood, lightening or wind damage
d. Fire damage

Southern Building Code Congress has merged with other model codes to become the International Building Code Congress (IBCC)

"SBCCI" means Southern Building Code Congress International.

"SCDHEC" means the South Carolina Department of Health and Environmental Control.

"Services" means the furnishing of labor, time or effort by a contractor not required to deliver a specific end product, other than reports which are merely incidental to required performance. This term includes consultant services other than architectural, engineering, construction management, and related services. This term does not include employment agreements or services as defined in Section 11-35-310(1)(d).

"Specifications" means any description of the physical, functional, or performance characteristics, or of the nature of a supply, service or construction item. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service or construction item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably.

"SPO" means the person holding the position as head of the State Procurement Office of the State.

"State" means the State of South Carolina.

"State Engineer" means the person holding the position as head of the Office of State Engineer and the Chief Procurement Officer for areas of construction, architectural and engineering, construction management and land surveying services.

"Subcontractor" means a person or firm who has a direct contract with the contractor to perform a portion of the work at the site.

"Substantial Completion" is the stage in the progress of the work when the work or designated portion thereof is sufficiently complete in accordance with the contract documents so the agency can occupy or utilize the work for its intended use.

"Suspension" means the disqualification of a person to receive invitations for bids, requests for proposals, or the award of a contract by the State, for a temporary period pending the completion of an investigation and any legal proceedings that may ensue because a person is suspected upon probable cause of engaging in criminal, fraudulent, or seriously improper conduct or failure or inadequacy of performance which may lead to debarment.

"Unique Construction" means construction that requires special knowledge and/or abilities not possessed by most contractors, as determined by the State Engineer.