

Explanation of Exhibits

Each of the attached Exhibits fulfills a specific statutory requirement and contains contract data covering the time period indicated.

1. Exhibit A1-1: *Colorado Personal Services Contracts (174 pages)*

This report is required by CRS 24-102-205 (7)(b). Personal Services contracts have been defined by the Office of the Attorney General (OAG) to include: Grant Agreements, Information Technology contracts, Task Order Agreements, Interagency Agreements, Intergovernmental Agreements, Construction, Professional, and Purchased Services Agreements that exceed \$100,000. This report presents the contract identification number (CMS #), the status of the contract (active or expired), title given the contract, the solicitation method used, whether the contract is a multi-year or single-year contract, the current *cumulative* maximum dollar amount of the contract, and the number of State employment positions created, if any. Each section of the report presents an individual agency divided between construction contracts and all contracts other than construction. The OSC has adopted “Single-year” to describe a typical State contract that is entered into on a 12-month basis with up to 4-one year renewals for a total of potentially 5-years (single year initial term followed by single term renewals). The OSC has adopted “Multi-year” to describe a State contract entered into with an initial term of more than 1-year followed by one year renewals for a total of potentially 5-years. Given this, many of the contracts reported will not have a final rating assigned for a number of years. Each section then summarizes the total number of active and expired, multi-year and single-year, personal services contracts presented, their combined total dollar amount, and the total number of created State positions. Per statute, only those personal services contracts with a value of greater than \$100,000 are included. This Exhibit presents all personal services contract records entered into CMS between July 1, 2009 and December 31, 2012. Historically, creation of FTE at a State agency does not occur under personal services contracts; however, the number of State employment positions created is a required reportable field per statute. The OAG has interpreted this provision as meaning the State of Colorado as the employer, thereby including only those positions hired by the executive, legislative, and judicial branches of government and not positions created by contractors/vendors. Note: the SB 07-228 statutes apply only to the executive branch.

2. Exhibit A1-2: *Overall Department Summary of Personal Services Contracts (6 pages)*

This report presents the summarized information for each agency included in Exhibit 1-1.

3. Exhibit A3-1: *2012 Colorado Personal Services Contracts entered into during calendar year 2012 (51 pages)*

This report presents only the 1,421 personal services contracts entered into by the State of Colorado between January 1, 2012 and December 31, 2012. This breakdown is created to show contracts executed by Colorado agencies in the most recent calendar year (2012). The 1,421 personal services contracts entered into during calendar year 2012 include new multi-year contracts (419) and the total number of new single-year contracts in 2012 (1,003). The exhibit also shows, the number of new 2012 Active contracts (1,237) and

total of contracts that expired in 2012 (185). The contracts shown in this Exhibit are also included in Exhibit A1-1.

4. Exhibit A3-2: Overall Department Summary of 2012 Colorado Personal Services Contracts (5 pages)

This report presents the summarized information for each agency included in Exhibit 3-1.

5. Exhibit B1-1: Vendor Performance Ratings (231 pages)

This report is required by CRS 24-102-205 (3)(a)(VIII) and (6). Vendor performance is rated using a three (3) tiered method (Below Standard, Standard and Above Standard). The OSC issued guidance to allow for consistency and reduced subjectivity in evaluation. Since statute requires evaluation and rating at the completion of a contract, most of the contracts shown in this report have not yet been rated. This report presents the contract identification number (CMS #), title given the contract, the current expiration date of the contract, vendor name, and final rating, if applicable/available. Each section then summarizes the total number of active (open) contracts, the total number of expired (complete) contracts, the number of contracts eligible for rating depending on completion date of the contract, and the final ratings assigned, if any. The OAG has interpreted "completion of the contract" to mean the *full* life of the contract including any allowed extensions. A typical State contract is entered into on a 12-month basis with up to 4-one year renewals for a total of potentially 5-years. Given this, many of the contracts reported will not have a final rating assigned for a number of years. Agencies are, however, conducting interim evaluations and assigning interim ratings to use in assigning a final reported rating. An entry of "Not Yet Rated" is selected for those contracts whose final expiration date has not yet been reached but will require a final rating upon contract close. Entry of "N/A" is selected for those CMS records created to track and manage State contracts that are not governed by Senate Bill 07-228 (such as a contract signed prior to July 1, 2009 and/or a contract whose value is less than \$100,000). Many Construction and Division of Housing contracts are unable to assign a final rating within thirty (30) days of the completion date of the contract. This is due to the manner in which these types of contracts are "closed out." For both types of contracts, the parties involved typically have an additional 90 to 120 days to complete a punch-list and/or finalize documentation and to pay any retainage. Evaluation and rating occurs immediately thereafter. This Exhibit presents all personal services contract records entered into CMS between July 1, 2009 and December 31, 2012.

6. Exhibit B1-2: Overall Department Summary of Vendor Performance Ratings (6 pages)

This report presents the summarized information for each agency included in Exhibit B1-1.

7. Exhibit B3-1: Records in CMS for contracts that Expired and were rated between January 1, 2012 and December 31, 2012 (39 pages)

This report presents only those 868 contracts that expired *and* were rated anytime between the reporting dates of January 1, 2012 and December 31, 2012. This exhibit was not provided in the March 30, 2012 report. It is a new breakdown created to focus further in on the expectations of the statutory provisions. Statute requires agencies to evaluate

and assign a rating within 30-days of the contract's completion date. Any contracts with a completion date of December 31, 2012, therefore, have until January 31, 2013 to assign a rating. As of the date of this submittal, all contracts requiring a rating have been rated.

8. Exhibit B3-2: Overall Department Summary of Records in CMS for contracts that Expired and were rated between January 1, 2012 and December 31, 2012 (3 pages)
This report presents the summarized information for each agency included in Exhibit B3-1.
9. Exhibit B4-1: Records in CMS for Capital Construction contracts that Expired and were rated between January 1, 2012 and December 31, 2012 (9 pages)
This report presents only those 104 capital construction contracts that expired and were rated anytime between the reporting dates of January 1, 2012 and December 31, 2012. This exhibit was not provided in the March 30, 2012 report.
10. Exhibit B4-2: Overall Department Summary of Records in CMS for Capital Construction contracts that Expired and were rated between January 1, 2012 and December 31, 2012 (2 pages)
This report presents the summarized information for each agency included in Exhibit B4-1.
11. Exhibit C3-1: Sole Source Contracts (22 pages)
This report is required by CRS 24-102-205 (3)(a)(VI) and (7)(c). This report presents the contract identification number (CMS #), the title given the contract, the current dollar amount of a contract including any added funding subsequent to the initial execution of the agreement, the vendor name, an indication of whether a Sole Source Justification form was completed, and whether standard steps in making a sole source determination were taken. Each section then summarizes the total number of sole source contracts per agency and the combined dollar amount. The Colorado State Purchasing Office identified three steps considered "standard" towards making a Sole Source determination. They are: use of Bid Information and Distribution System (BIDS) web statistics, market research, and manufacturer's statement. Those records with a "blank" response utilized other steps in making the sole source determination and recorded the steps in a free text "Notes" field in the contract record. This Exhibit presents contract records entered into CMS between January 1, 2012 and December 31, 2012.
12. Exhibit C3-2: Overall Department Summary of Sole Source Contracts (2 pages)
This report presents the summarized information for each agency included in Exhibit B3-1.
13. Exhibit D1-1: Solicitation/Selection Types Used (7 pages)
This report was created as required by CRS 24-102-205 (3)(a)(VI). It presents each department and the number of solicitations/selections used per identified solicitation/selection method. Sixteen methods are included. This Exhibit presents contract records entered into CMS between July 1, 2009 and December 31, 2012.
14. Exhibit D3-1: Solicitation/Selection Types Used for contracts entered into anytime between January 1, 2012 and December 31, 2012 (7 pages)

This report presents only those solicitations/selections made by each department for the contracts entered into between January 1, 2012 to December 31, 2012. This exhibit was not provided in the March 30, 2012 report. It is a new breakdown created to focus further on the 2012 reporting period. Sixteen methods are included.

15. Exhibit E1-1: Work Performance Location (8 pages)

This report was created as required by CRS 24-102-205 (3)(a)(IX)(X). It presents only those agencies having contracts in which a percentage of the work was performed outside of Colorado and/or the United States. Currently, this report shows seven (7) state agencies entering into a total of twenty-five (26) contracts with some of the work completed outside Colorado, and four (4) of these same contracts having some of the work completed outside the United States. This Exhibit presents contract records entered into CMS between July 1, 2009 and December 31, 2012.

16. Exhibit E3-1: Work Performance Location for contracts entered into anytime between January 1, 2012 and December 31, 2012 (2 pages)

This report presents only those agencies having contracts in which a percentage of the work was performed outside of Colorado and/or the United States and the contracts were entered into by the departments anytime during the reporting period of January 1, 2012 to December 31, 2012. This exhibit was not provided in the March 30, 2012 report. It is a new breakdown created to focus further on the 2012 reporting period. This report shows only one (1) agency having entered into one (1) contract in 2012 with some of the completed outside Colorado, and none of the work being completed outside the United States.

Guide to Report Terms and Acronyms:

Exhibits A1-1, A1-2, A2-1, A2-2, A3-1 and A3-2

- *Advertisement for Bids:* Primarily used to solicit competitive bids on construction projects. Public notice for construction or construction related projects. Not a formal solicitation method.
- *Authorized by Statute:* Selection method directed/required by law. Full and open competition need not be provided for when (i) a statute expressly authorizes or requires that an acquisition be made through another agency or from a specified source, or (ii) the agency's need is for a brand name commercial item for authorized resale.
 - Example 1: The Department of Human Services has numerous programs that operate under their own statute. The statute will specify a vendor community, resulting in "Law Specified" vendors.
 - Example 2: The Department of Natural Resources (DNR) awards the majority of its grants using a selection method specified by statute. Each grant program within DNR has a website that describes the grant, those eligible to apply, the application procedures, and evaluation criteria. Though not solicited under the procurement code, there is a competitive process for selection. DNR also has several grant programs where Great Outdoors Colorado (GOCO) monies, severance tax dollars, lottery dollars, Off-Highway Vehicle (OHV) and

snowmobile license fees, or federal funding dollars are passed through to other governments and private entities. Program examples include the Natural History Small Grants Program, FEMA grants and Wetlands grants.

- *Discretionary*: No competition required due to dollar amount of the project or funding source.
- *Documented Quote (DQ)*: Used for informal solicitations of specific goods or services: (i) commodities costing between \$10,000 and \$150,000; (ii) services costing between \$25,000 and \$150,000; and (iii) construction projects between \$25,000 and \$500,000. DQs greater than \$10,000 must be solicited by purchasing staff and require detailed specifications and/or Statement Of Work (SOW).
- *Emergency*: As declared by agency's purchasing director.
- *Exempt*: Not governed by the Procurement Code (such as elected officials can conduct solicitations independent of the Code).
- *Grant Specific*: The grantor specifies within the grant who the contractor/vendor must be.
 - Example 1: Federal grants that list the grantees of the award.
 - Example 2: Location where grant monies must be spent directs/limits award of the grant.
- *Invitation for Bid (IFB)*: Formal solicitation method where sealed bid responses are received by the State. The lowest priced bid that is also responsive to the requirements and where the bidder is deemed responsible is awarded. IFBs contain, or incorporate by reference, the work specifications and all contractual terms and conditions.
- *Not Yet Selected*: Often a record is created in CMS before the solicitation process is concluded. This entry is later changed once the means of solicitation has been determined and vendor selection has been made.
- *Other*: Selected if a more defined selection method is used such as naming a particular State Price Agreement.
- *Request for Applications (RFA)*: A formal statement that invites grant or cooperative agreement applications in specified area to accomplish specific program objectives. The RFA typically includes the estimated amount of funds set aside for the competition, the estimated number of awards to be made, and the application receipt date(s). Applications submitted in response to an RFA are often reviewed by an initial review group put together by the issuing agency. Final selections made or those applicants meeting the minimum qualifications will be asked to submit a bid or proposal per a solicitation process.
- *Request for Proposal (RFP)*: Formal solicitation method where sealed proposals are received by the State. Price and other factors are evaluated with the awarded proposal being one deemed most advantageous to the State's requirements. RFPs are publicly advertised and proposers respond with a detailed proposal and price quote. Award may not necessarily be made to the lowest quote.
- *Request for Qualifications (RFQ)*: A solicitation document requesting submittal of qualifications or specialized expertise in response to the scope of services required. Pricing is not solicited with RFQs. Typically used in Architectural and Engineering, Land-surveying and Industrial Hygienist service solicitations.

- *Sole Source:* Procurements where only one vendor is capable of meeting solicitation requirements, for example, vendors with unique skills, who have a patent, or are solely able to timely deliver needed goods and/or services.
- *Solicitation Not Conducted:* This option is selected when a type of agreement does not require a solicitation because it is exempt from the procurement code. For example, Interagency Agreements.
- *State Price Agreement:* A contract between the Department of Personnel & Administration's, Division of Finance and Procurement, State Purchasing Office and a vendor, which allows agencies and institutions of higher education to order goods or services from the vendor, pursuant to the terms of the price agreement, by issuing a purchase order, task order, or other approved order form.

Exhibits B1-1, B1-2, B3-1, B3-2, B4-1 and B4-2

- *Above Standard:* Contractor's performance under the contract has exceeded specifications/requirements of the contract.
- *Below Standard:* Contractor's performance under the contract has failed to meet all specifications/requirements of the contract.
- *N/A:* Used for those CMS records created to track and manage State contracts that are not governed by Senate Bill 07-228 (such as a contract signed prior to July 1, 2009 and/or a contract whose value is less than \$100,000).
- *Not Yet Rated:* Used if contracted services have not yet been evaluated and rated.
- *Standard:* Contractor's performance under the contract has met all specifications/requirements of the contract.

Exhibits C3-1 and C3-2

Follow-on Contract: Used in situations where the contract is a continuation of work started under another contract and the determination has been made that it is in the best interest of the State to continue with the current vendor. Examples include information technology and facilities contracts in which new work impacts the existing procurement, and selecting another vendor would act to void any warranties and/or adversely impact work continuity