

<b>Construction and Professional Services Threshold and Methods (as dictated by OSA)</b>		
<b>Procurement Threshold</b>	<b>Competition Requirement</b>	<b>Procurement Method</b>
Up to \$4,999.99	Construction Services – No Competition required	One Card / Direct Pay
\$5,000.00 - \$49,999.99	Construction Services – No Competition Required	Purchase Order
\$50,000.00 - \$149,999.99	Construction Services – 3 quotes required	Purchase Order or OSA Contract
Up to \$24,999.99	Professional Services* – No Competition Required	Purchase Order or OSA Contract
\$25,000.00 - \$99,999.99	Professional Services* - Informal Phone Interview with a minimum of 3 firms. Scoring and Memo to project file required.	Purchase Order or OSA Contract
\$100,000 or more	Professional Services – Solicitation	Purchase Order or OSA Contract
*Professional Services, in this context, is outlined in C.R.S. § 24-30-1402(6).		

## 2.0 PROCUREMENTS EXEMPT FROM COMPETITION REQUIREMENTS

Procurement and Contracting will make the determination if a requested Procurement meets one of the exemptions included in this section. Though a pending Procurement may be exempt from Competition, the Procurement may still need a PO or Contract.

Notwithstanding the categories listed as exemptions, Procurement and Contracting may require a reasonable method of Competition, price or value comparison, or negotiations in order to assure that (i) the Procurement Policy and Procedures are followed; (ii) the Good or Services to be obtained reasonably meets Mines’ bona fide requirements; (iii) the award of Mines business to a Vendor or Contractor is fair to all concerned; and (iv) known or perceived conflicts of interests are mitigated in accordance with applicable requirements.

**2.1 Sponsored Programs/Research Funds.** Procurements using Sponsored Program/Research Funds are exempt from Competition Requirements if the Goods or Services can only be provided by a specific Vendor that is explicitly required or named in:

- A. A sponsored project grant;
- B. The awarding document (not including the proposal or budget) from the granting agency;
- C. The contract with the granting agency; or
- D. The Vendor will be performing a substantial portion of work and listed as part of the approved research team, such as those organizations meeting the definition of a subaward or subcontract as set forth by the Office of Research Administration (“ORA”).

**2.2 Procurements using non-Sponsored Program Funds/Research Funds.**

Exemptions from competition listed in this section do not apply to Procurements using Sponsored Program/Research funds. Procurements using non-Sponsored Program Funds/Research Funds are exempted from Competition requirements if the Procurement is for:

- A. Transactions between Mines and a public entity, including any agency of a federal, state, county or municipal government, a school district or other special district, another educational institution, or research institute, non-profit or not-for-profit entity.
- B. Internal purchase of Goods or Services between Mines’ departments or other entities within Mines such as the Mines Foundation, Mines food service operator, or operator of the Mines bookstore.
- C. Professional Services provided by architects, engineers, landscape architects, industrial hygienists or land surveyors. (See C.R.S. § § 24-30-1401 through 24-30-1407).
- D. Specialized professional Services such as medical or other healthcare services, teaching or research services.
- E. Performance or other specialized event services such as musicians, authors, artists, speakers, etc.
- F. Contracts and expenditures for litigation or other legal expenses, including experts, mediators, court reporters, process servers, witness fees, and attorney Services approved in advance by Mines’ Office of General Counsel.
- G. A Vendor’s item procured for Resale.
- H. The lease, sale, purchase, transfer, disposal or any other transaction involving an interest in real property.
- I. An employment contract (not independent contractor services).
- J. Insurance policies for Mines and its employees.
- K. A defined contribution plan administrator and/or record keeper.
- L. Travel-related expenses such as airfare, lodging, transportation, etc. Travel agency services, tours, and study abroad programs are not exempted.
- M. Official functions such as conference services, catering, venue or room reservations, audio visual equipment, and guest lodging.
- N. A publicly regulated utility such as water, electricity, natural gas, etc.
- O. Fuel.

## *Procurement Policy and Procedures*

- P. A display, performance, or use of works of art, works of entertainment, literary works, magazine subscriptions, museum collections, music, film, or other copyrighted materials.
- Q. Library collections in all formats, including books, periodicals, serials, electronic resources, multimedia/streaming video, etc.
- R. Advertising or ad placement such as in a newspaper, magazine, television commercial, radio advertisement, outdoor advertising, indoor display, social media, or other media outlet where Mines brand or programs are being advertised to a specific consumer segment.
- S. Mines Sponsorships.
- T. Used or pre-owned equipment or vehicles, provided that Procurement and Contracting has determined that Competition is not practical or would not be Advantageous to Mines. At the discretion of the Purchasing Agent, such purchases may require cost or price analysis, certificate of working order or warranty.
- U. Goods and/or Services that can only be provided by the manufacturer or exclusive reseller/distributor (as noted by the manufacturer) of existing equipment such as component parts, equipment software, warranty extensions, maintenance, or training.
- V. Dues and/or memberships for the benefit of Mines.
- W. Tuition, registration, or fees charged for trainings, classes, conferences and seminars that are directly relevant to Mines employment.
- X. Software license renewals, additional licenses/seats, software maintenance, and upgrades to existing software.
- Y. Revenue-producing agreement. Mines shall maximize the return to Mines when revenue-producing agreements are involved. However, in the case of a revenue-producing agreement for which Mines is considering more than one supplier, Procurement and Contracting will conduct a competitive Solicitation.
- Z. Services related to the issuance, sale and delivery of public securities pursuant to the applicable authorizing statute; including bond counsel and financial consultants.