

**CITY OF AUSTIN
PURCHASING OFFICE
STANDARD SALE DEFINITIONS (IFB, SALE)**

Whenever a term defined by the Uniform Commercial Code, as enacted by the State of Texas, is used in the contract, the UCC definition shall control, unless otherwise defined in the contract.

1. **Addendum** means a written instrument issued by the Contract Awarding Authority that modifies or clarifies the Solicitation prior to the Due Date. "Addenda" is the plural form of the word.
2. **Alternate Bids** means multiple Bids with substantive variations from the same Bidder in response to a Solicitation.
3. **Authorized City Representative** means a person designated by the City Manager to act for the Contract Awarding Authority.
4. **Bid** is a complete, properly signed response to an invitation for bid that, if accepted, would bind the Bidder to purchase and take possession of the goods under the terms and conditions specified in the resultant contract.
5. **Bid Guaranty** guarantees that the Bidder (a) will not withdraw the Bid within the period specified for acceptance, and (b) will execute a Contract and furnish required bonds and any necessary insurance within the time specified in the Solicitation, unless a longer time is allowed by the City. The guarantee will be returned to the Bidder upon execution of a Contract.
6. **Bidder** is a person, firm, or entity that submits a bid in response to a Solicitation. Any Bidder may be represented by an agent after submitting evidence demonstrating the agent's authority. The agent cannot certify his own agency status.
7. **Bid Sheet** is a document, signed and dated by the Bidder, containing unit and extended bid prices for all goods, identified by item numbers and descriptions, for which bids are being submitted.
8. **City** means the City of Austin, a Texas home-rule municipal corporation.
9. **Contract** means the binding legal agreement between the City and the Contractor. The Contract includes, without limitation, the Solicitation, the Offer submitted in response to the Solicitation, the Contract award, the Standard Sale Terms and Conditions (IFB, Sale), Supplemental Sale Provisions (IFB, Sale) if any, Specifications, and any addenda and amendments thereto. Any inconsistency or conflict in the Contract documents shall be resolved by giving precedence in the following order:
 - A. any exceptions to the Offer accepted in writing by the City,
 - B. the Supplemental Sale Provisions (IFB, Sale),
 - C. the Standard Sale Terms and Conditions (IFB, Sale)
 - D. the Offer, exhibits, and attachments within the Offer, drawings (figured dimensions shall govern over scaled dimensions) will take precedence over specifications or scope of work.
10. **Contract Awarding Authority** means a City department authorized to enter into Contracts on behalf of the City.
11. **Contractor** means a Bidder who is buying goods from the City under a contract.
12. **Due Date** means the date and time specified for receipt of Bids.
13. **Goods** are supplies, materials, or equipment.

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14. **Highest Responsible Bid** means the highest bid meeting all requirements of the specifications, terms, and conditions of the Invitation for Bid. The term “responsible” refers to the financial and practical ability of the Bidder to perform the Contract and takes into consideration past performance of the Bidder as well as compliance with all City ordinances concerning the purchasing process.
15. **Highest Responsible Bidder** means the Bidder submitting the Highest Responsible Bid.
16. **Invitation for Bid (IFB)** means a Solicitation requesting pricing for a specified Good which has been advertised for bid in the newspaper and/or the Internet.
17. **Offer** means a complete signed response submitted to the City in response to a Solicitation including, but not limited to, a Bid submitted in response to an Invitation for Bid, a proposal submitted in response to a Request for Proposal, a Quote submitted in response to a Request for Quotation, or a Statement of Qualifications and Interest submitted in response to a Request for Qualifications.
18. **Pre-Bid Conference** means a conference conducted by the Purchasing Office, held in order to allow Bidders to inspect and ask questions about the goods for sale and any conditions associated with the sale.
19. **Purchasing Office** refers to the Purchasing Office in the Financial and Administrative Services Department of the City.
20. **Solicitation** means, as applicable, an Invitation for Bid, Request for Proposal, Request for Qualifications or a Request for Quotation.