START\_STATUTE41-2554.  Procurement of earth moving, material handling, road maintenance and construction equipment; definitions

A.  Notwithstanding the criteria for contract award prescribed in section 41‑2533, a contract for earth moving, material handling, road maintenance and construction equipment shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set forth in the invitation for bids, which shall include as price evaluation criteria the total life cycle cost including residual value of the earth moving, material handling, road maintenance and construction equipment and such other additional evaluation factors set forth in the invitation for bids.  No factors or criteria may be used in the evaluation of bids for earth moving, material handling, road maintenance and construction equipment, other than those specified in the invitation for bid.  Additional evaluation factors shall include, to the extent practicable, outright purchase.  The contract award shall be based on the price evaluation criteria deemed by the state to be most advantageous to the state.  Procedures for awarding contracts for earth moving, material handling, road maintenance and construction equipment pursuant to this subsection shall be the same as those prescribed in section 41‑2533.

B.  Notwithstanding the criteria for contract award prescribed in section 41‑2534, a contract for earth moving, material handling, road maintenance and construction equipment shall be awarded to the responsible offeror whose proposal is determined in writing to be the most advantageous to the state.  The evaluation factors set forth in the request for proposals shall include the total life cycle cost including residual value of each proposal and such other additional evaluation factors set forth in the request for proposals.  No factors or criteria may be used in the evaluation of proposals for earth moving, material handling, road maintenance and construction equipment, other than those specified in the request for proposal.  Additional evaluation factors set forth in the request for proposal shall include, to the extent practicable, outright purchase.  The contract award shall be based on the price evaluation criteria deemed by the state to be most advantageous to the state.  Procedures for awarding contracts for earth moving, material handling, road maintenance and construction equipment pursuant to this subsection shall be the same as those prescribed in section 41‑2534.

C.  The minimum unit list price for earth moving, material handling, road maintenance and construction equipment shall be adjusted annually by the consumer price index, United States average.

D.  As used in this section:

1.  "Earth moving, material handling, road maintenance, and construction equipment" means a track‑type tractor, motor grader, excavator, landfill compactor, wheel tractor scraper, off‑highway truck, wheel loader or track loader, having a published manufacturer's minimum unit list price of fifty thousand dollars or more and a minimum expected life cycle of three years.

2.  "Outright purchase" means the initial cost to the state for the earth moving, material handling, road maintenance, and construction equipment, including all vendor charges and financing costs.

3.  "Residual value" means the guaranteed minimum market value of the earth moving, material handling, road maintenance and construction equipment at the end of the life cycle of the earth moving, material handling, road maintenance and construction equipment being procured, as determined by a guaranteed minimum value offered by the vendor or other parties in its bid.

4.  "Total life cycle cost" means total state costs and financing costs through the life cycle of the earth moving, material handling, road maintenance and construction equipment being purchased less residual value.

5.  "Total state costs" means cost to the state for the earth moving, material handling, road maintenance and construction equipment including repair costs, present value of monies, vendor charges, and all other identifiable state costs that may be incurred.

6.  "Vendor charges" means costs of all vendor support, materials, transportation and all other identifiable costs associated with the vendor's proposal or bid.

7.  "Vendor support" means services provided by the vendor for items such as consulting, education and training. END\_STATUTE