

ARTICLE 7. DEFINITIONS

Rule 1. Definitions

80 IAC 7-1-1 Applicability

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 1. The definitions in this rule apply throughout this title. (*State Fair Commission; 80 IAC 7-1-1; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-2 "Business" defined

Authority: IC 15-13-2-9; IC 15-13-3-8

Affected: IC 15-13-2

Sec. 2. "Business" means any corporation, partnership, limited liability company, individual, sole proprietorship, joint stock company, joint venture, or other private legal entity. (*State Fair Commission; 80 IAC 7-1-2; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-3 "Change order" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 3. "Change order" means a written order that:

(1) is signed by the executive director or his or her designated representative; and

(2) directs the contractor to make changes to the specifications outlined in the original contract.

(*State Fair Commission; 80 IAC 7-1-3; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-4 "Commission" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 4. "Commission" means the state fair commission. (*State Fair Commission; 80 IAC 7-1-4; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-5 "Commission works" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 5. "Commission works" means the process of building, altering, repairing, improving, or demolishing any structure or building, or other improvement of any kind to any real property owned by or leased in the name of the commission. (*State Fair Commission; 80 IAC 7-1-5; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-6 "Commission works contract" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 6. "Commission works contract" means a contract between the commission and a person for the performance of some work or service related to the completion of a commission works project for the commission. However, the term does not include contracts for professional services that are related to the performance of the commission works, unless specifically provided to the contrary. (*State Fair Commission; 80 IAC 7-1-6; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

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80 IAC 7-1-7 "Construction", "commission works", and "improvement" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 7. "Construction", "commission works", and "improvement" mean the process of building, altering, repairing, improving, or demolishing any structure, building, or other improvement of any kind to any real property owned by or leased in the name of the commission, including the preparation of drawings, plans, and specifications thereof, and the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property. (*State Fair Commission; 80 IAC 7-1-7; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-8 "Consulting engineer or architect" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 8. "Consulting engineer or architect" means a professionally qualified engineer or architect in private practice, maintaining an engineering or architecture office, either alone or in association with other engineers or architects, employing staff to provide consultancy services. (*State Fair Commission; 80 IAC 7-1-8; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-9 "Contract" defined

Authority: IC 15-13-2-9; IC 15-13-3-8

Affected: IC 15-13-2

Sec. 9. "Contract" means all types of agreements, regardless of what they may be called, for the procurement of services, insurance, or supplies. (*State Fair Commission; 80 IAC 7-1-9; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-10 "Contract amendment or modification" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 10. "Contract amendment or modification" means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provision of any contract, which alteration is accomplished by mutual action of the parties to the contract. (*State Fair Commission; 80 IAC 7-1-10; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-11 "Contractor" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 11. "Contractor" means any person who has entered into or seeks to enter into a contract with the commission. (*State Fair Commission; 80 IAC 7-1-11; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-12 "Contracts department" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 12. "Contracts department" means the department of the commission that maintains contracts entered into by the commission. (*State Fair Commission; 80 IAC 7-1-12; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

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80 IAC 7-1-13 "Cost reimbursement contract" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 13. "Cost reimbursement contract" means a contract under which a contractor is entitled to receive reimbursement for costs that are allowable and allocable in accordance with the contract terms and the provisions of this article and a fee, if any. (*State Fair Commission; 80 IAC 7-1-13; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-14 "Data" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 14. "Data" means any recorded information, regardless of its form or characteristics. (*State Fair Commission; 80 IAC 7-1-14; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-15 "Data processing" defined

Authority: IC 15-13-2-9; IC 15-13-3-8

Affected: IC 15-13-2

Sec. 15. "Data processing" means resources and technologies associated with the fields of information processing, office automation, and telecommunications facilities and networks. (*State Fair Commission; 80 IAC 7-1-15; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-16 "Deadly weapon" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2; IC 35-47-1-5; IC 35-47-8-1; IC 35-47-8-3

Sec. 16. (a) "Deadly weapon" means any of the following:

(1) A loaded or unloaded firearm (as defined in IC 35-47-1-5).

(2) A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), or equipment, including knives, chemical substances, or other material, that, in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.

(3) A biological disease, virus, or organism that is capable of causing serious bodily injury.

(b) The term does not include:

(1) a taser (as defined in IC 35-47-8-3);

(2) an electronic stun weapon (as defined in IC 35-47-8-1);

(3) a chemical designed to temporarily incapacitate a person; or

(4) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.

(c) The term does not include equipment or implements necessary and appropriate for use by commission personnel, contractors, authorized representatives, concessionaires, and exhibitors in the conduct of business on the fairgrounds. (*State Fair Commission; 80 IAC 7-1-16; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-17 "Distribution" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

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Sec. 17. "Distribution" means the transmitting of literature, products, or other forms of written communications or commodities either for sale or at no cost to the recipient. (*State Fair Commission; 80 IAC 7-1-17; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-18 "Escrowed income" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 18. "Escrowed income" means the value of all property held in an escrow account over the escrowed principal in the account. (*State Fair Commission; 80 IAC 7-1-18; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-19 "Escrowed principal" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 19. "Escrowed principal" means the value of all cash, securities, or other property placed in an escrow account by the commission or a contractor as a retainage on a commission works contract. (*State Fair Commission; 80 IAC 7-1-19; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-20 "Established catalog price" defined

Authority: IC 15-13-2-9; IC 15-13-3-8

Affected: IC 15-13-2

Sec. 20. "Established catalog price" means the following:

- (1) The price included in a catalog, price list, schedule, or the form that is regularly maintained by the manufacturer or contractor.
- (2) The price either published or otherwise available for inspection by customers.
- (3) The price at which sales are currently or were last made to a significant number of any category of buyers, or buyers constituting the general buying public, for the supplies involved.

(*State Fair Commission; 80 IAC 7-1-20; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-21 "Executive director" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 21. "Executive director" means the chief administrative officer of the commission. (*State Fair Commission; 80 IAC 7-1-21; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-22 "Fairgrounds" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 22. "Fairgrounds" means the Indiana state fairgrounds and other property owned by the commission. (*State Fair Commission; 80 IAC 7-1-22; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-23 "Invitation for bids" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

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Sec. 23. "Invitation for bids" means all documents, whether attached or incorporated by reference, used for the purpose of soliciting bids. (*State Fair Commission; 80 IAC 7-1-23; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-24 "Person" defined

Authority: IC 15-13-2-9
Affected: IC 15-13-2

Sec. 24. "Person" means any business, individual, committee, or other organization or group of individuals. (*State Fair Commission; 80 IAC 7-1-24; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-25 "Possession" defined

Authority: IC 15-13-2-9
Affected: IC 15-13-2

Sec. 25. "Possession" means on or about a person's body or clothing, or in any purse, backpack, cooler, sack, carrier, or other container carried by the person or under that person's direct and immediate control. (*State Fair Commission; 80 IAC 7-1-25; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-26 "Procurement" defined

Authority: IC 15-13-2-9; IC 15-13-3-8
Affected: IC 15-13-2

Sec. 26. "Procurement" means buying, purchasing, renting, leasing, or otherwise acquiring any services, insurance, or supplies and includes functions that pertain to the obtaining of any services, insurance, or supplies, including the following:

- (1) Description of requirements.
- (2) Selection or solicitation of sources.
- (3) Preparation and award of contract.

(*State Fair Commission; 80 IAC 7-1-26; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-27 "Procurement officer" defined

Authority: IC 15-13-2-9
Affected: IC 15-13-2

Sec. 27. "Procurement officer" means any person duly authorized to enter into and administer contracts and make written determinations with respect to those contracts. (*State Fair Commission; 80 IAC 7-1-27; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-28 "Property" and "worthless property" defined

Authority: IC 15-13-2-9
Affected: IC 15-13-1-16; IC 35-31.5-2-253

Sec. 28. (a) "Property" includes both real and personal property and has the meaning set forth in IC 35-31.5-2-253.

(b) "Worthless property" means property with no market value if the value of the property is less than the estimated cost of the sale and transportation of the property. (*State Fair Commission; 80 IAC 7-1-28; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-29 "Public funds" defined

Authority: IC 15-13-2-9
Affected: IC 15-13-2

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Sec. 29. "Public funds" means funds created by the commission's accounting system and includes funds administered by the commission and subject to audit by the state board of accounts. (*State Fair Commission; 80 IAC 7-1-29; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-30 "Purchase description" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 30. "Purchase description" means the words used in a solicitation to describe the services, insurance, or supplies to be purchased and includes specifications attached to, or made a part of, the solicitations. (*State Fair Commission; 80 IAC 7-1-30; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-31 "Purchasing department" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 31. "Purchasing department" means the department of the commission that is responsible for initiating and documenting purchases for the commission. (*State Fair Commission; 80 IAC 7-1-31; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-32 "Request for information" or "RFI" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 32. "Request for information" or "RFI" means a process that may be used to solicit information and ideas prior to issuing a request for proposals. (*State Fair Commission; 80 IAC 7-1-32; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-33 "Request for proposals" or "RFP" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 33. "Request for proposals" or "RFP" means all documents, whether attached or incorporated by reference, used for soliciting proposals. (*State Fair Commission; 80 IAC 7-1-33; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-34 "Responsible bidder" defined

Authority: IC 15-13-2-9; IC 15-13-3-8

Affected: IC 15-13-2

Sec. 34. "Responsible bidder" means a person who has the:

- (1) capability to perform fully the contract requirements; and
- (2) integrity and reliability that will ensure good faith performance.

(*State Fair Commission; 80 IAC 7-1-34; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

80 IAC 7-1-35 "Responsible contractor" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 35. "Responsible contractor" means a contractor who:

- (1) is capable of performing a commission works contract fully;

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- (2) has the integrity and reliability that will ensure good faith performance; and
- (3) is certified by the commission as qualified, if applicable.

(State Fair Commission; 80 IAC 7-1-35; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)

80 IAC 7-1-36 "Responsive bidder" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 36. "Responsive bidder" means a person who has submitted a bid that conforms in all material respects to the invitation for bids. *(State Fair Commission; 80 IAC 7-1-36; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)*

80 IAC 7-1-37 "Responsive contractor" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 37. "Responsive contractor" means a contractor that has submitted a bid or a quotation in conformity with instructions, contract documents, terms, and other conditions for a contract. *(State Fair Commission; 80 IAC 7-1-37; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)*

80 IAC 7-1-38 "Retainage" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 38. "Retainage" means any amount to be withheld from a payment to a contractor or subcontractor under the terms of a commission works contract until the occurrence of a specified event. *(State Fair Commission; 80 IAC 7-1-38; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)*

80 IAC 7-1-39 "Sampling" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 39. "Sampling" means the distribution of literature, product samples, or other forms of items that is intended to solicit, urge, or entice the purchase or support of a product, goods or services, or ideological or political activity from the general public. *(State Fair Commission; 80 IAC 7-1-39; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)*

80 IAC 7-1-40 "Services" defined

Authority: IC 15-13-2-9; IC 15-13-3-8

Affected: IC 15-13-2; IC 25-4; IC 25-31

Sec. 40. "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than printed documents or other items that are merely incidental to the required performance, and includes the following terms used throughout this article:

(1) "Personal services" means the services of a person who does not meet the requirements of subdivision (2), but who has technical expertise to accomplish a specific study, project, task, or other work on matters not related to a commission works project.

(2) "Professional services" means one (1) of the following:

(A) The services of a person registered, certified, or licensed under Indiana statute or by the Indiana supreme court.

(B) For the purposes of commission works projects:

(i) the services of a person registered or certified under IC 25-4;

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(ii) the services of a person licensed under IC 25-31; or

(iii) the services of a person who performs services or studies that relate to the design or the feasibility of a building, structure, or improvement and recognized in the industry as professional in nature.

(3) "Purchased services" means services that are provided by vendors for routine, necessary, and continuing functions of the commission, mostly related to physical activities.

(State Fair Commission; 80 IAC 7-1-40; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)

80 IAC 7-1-41 "Solicitation" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 41. "Solicitation" means:

(1) rallies, demonstrations, or protests, or all, in support for; or

(2) the act of soliciting, urging, enticing, or otherwise seeking to obtain through offers, suggestions, or incentives in support of;

products, services, items for purchase, or support for an ideological or political methodology being offered to the general public.

(State Fair Commission; 80 IAC 7-1-41; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)

80 IAC 7-1-42 "Specifications" defined

Authority: IC 15-13-2-9; IC 15-13-3-8

Affected: IC 15-13-2

Sec. 42. "Specifications" means any description of the physical or functional characteristics of a supply or the nature of a supply and may include a description of any requirements for inspecting, testing, or preparing a supply or construction item for delivery. *(State Fair Commission; 80 IAC 7-1-42; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)*

80 IAC 7-1-43 "Subcontractor" defined

Authority: IC 15-13-2-9

Affected: IC 5-16-5; IC 5-16-5.5; IC 15-13-2

Sec. 43. "Subcontractor" means any person entering into a contract with a contractor to furnish labor, labor and materials, or materialmen as their respective interest may appear under IC 5-16-5 or IC 5-16-5.5 used in the actual construction of a commission works project. *(State Fair Commission; 80 IAC 7-1-43; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)*

80 IAC 7-1-44 "Substantial completion" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 44. "Substantial completion" means the condition of a commission work when it is sufficiently completed, in accordance with the contract documents as modified by any completed change orders agreed to by the parties, so that the commission can occupy or take possession of the commission work and use it as it is intended to be used. *(State Fair Commission; 80 IAC 7-1-44; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)*

80 IAC 7-1-45 "Supplies" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 45. "Supplies" means all property, including, but not limited to, equipment, materials, and goods but excluding real property. *(State Fair Commission; 80 IAC 7-1-45; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA)*

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80 IAC 7-1-46 "Term" defined

Authority: IC 15-13-2-9

Affected: IC 15-13-2

Sec. 46. "Term" means the original fixed duration of a contract including any renewals or extensions by contract amendment or modification to the contract. (*State Fair Commission; 80 IAC 7-1-46; filed Nov 7, 2016, 3:46 p.m.: 20161207-IR-080160210FRA*)

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