



I. Forward

This booklet was created by the Arizona Attorney General to provide vendors with an overview of the basic information needed to participate in procurement processes with public entities in Arizona, including State agencies and Arizona public school districts. The booklet describes the procurement rules and principles that may apply whenever a vendor seeks to contract with an Arizona public entity, regardless of whether the vendor is large or small and regardless of what materials or services the

This booklet was developed for informational purposes only. It presents only an introduction to certain terms and concepts and is not an exhaustive treatment of the legal obligations involved in public bidding or contracting with public entities in Arizona.

This booklet does not constitute legal services or representation, and the Arizona
ensure the accuracy of this booklet's contents, some errors may appear. Moreover, this booklet may not always be up to date, as laws can change and court interpretations

[[VYUL` .LULYHS»Z 6]JL OLYLI` ZWLJPÄJHSS` KPZJSHPTZ HU` SPHIPSP[` MVY SVZZLZ PUJ\YYLK
HZ H JVUZLX\LUJL VM HU` TH[LYPHS WYLZLU[LK PU [OPZ IVVRSL[+LZWP[L L]LY` L\VY[[V LU



III. Resources

The state procurement code can be found in the Arizona Revised Statutes (“A.R.S.”), Title 41, Chapter 23 (A.R.S. § 41-2501 through § 41-2673), available online at <http://www.azleg.gov/ArizonaRevisedStatutes.asp> Additional regulations can be found in the Arizona Administrative Code, Title 2, Chapter 7, Articles 1 through 10 (R2-7-101 through R2-7-1010), available online at http://apps.azsos.gov/public_services/Title_02/2-07.pdf

The school procurement code can be found in the Arizona Administrative Code, Title 7, Chapter 2, Articles 10 and 11 (R7-2-1001 through R7-2-1196), available online at http://apps.azsos.gov/public_services/Title_07/7-02.pdf Additional regulations can be found in the Uniform System of Financial Records for Arizona School Districts, available online at http://www.azsos.gov/public_services/Title_07/7-02.pdf

A vendor interested in doing business with the state or a state agency should register in ProcureAZ, the State of Arizona’s online procurement portal: <https://procure.az.gov>

The ProcureAZ website provides step-by-step guides for registering and for responding to bids and solicitations. For additional assistance, contact the ProcureAZ Help Desk at (602) 542-7600 or by e-mail at procure@azdoa.gov.

Other public entities, including school districts, may have their own online registration services. Vendors should contact the entity’s purchasing administrator and ask to be placed on the bidders’ list. Being placed on the bidders’ list will not automatically result in a vendor winning a contract. Vendors should register with the local purchasing cooperatives as well as with the school districts.

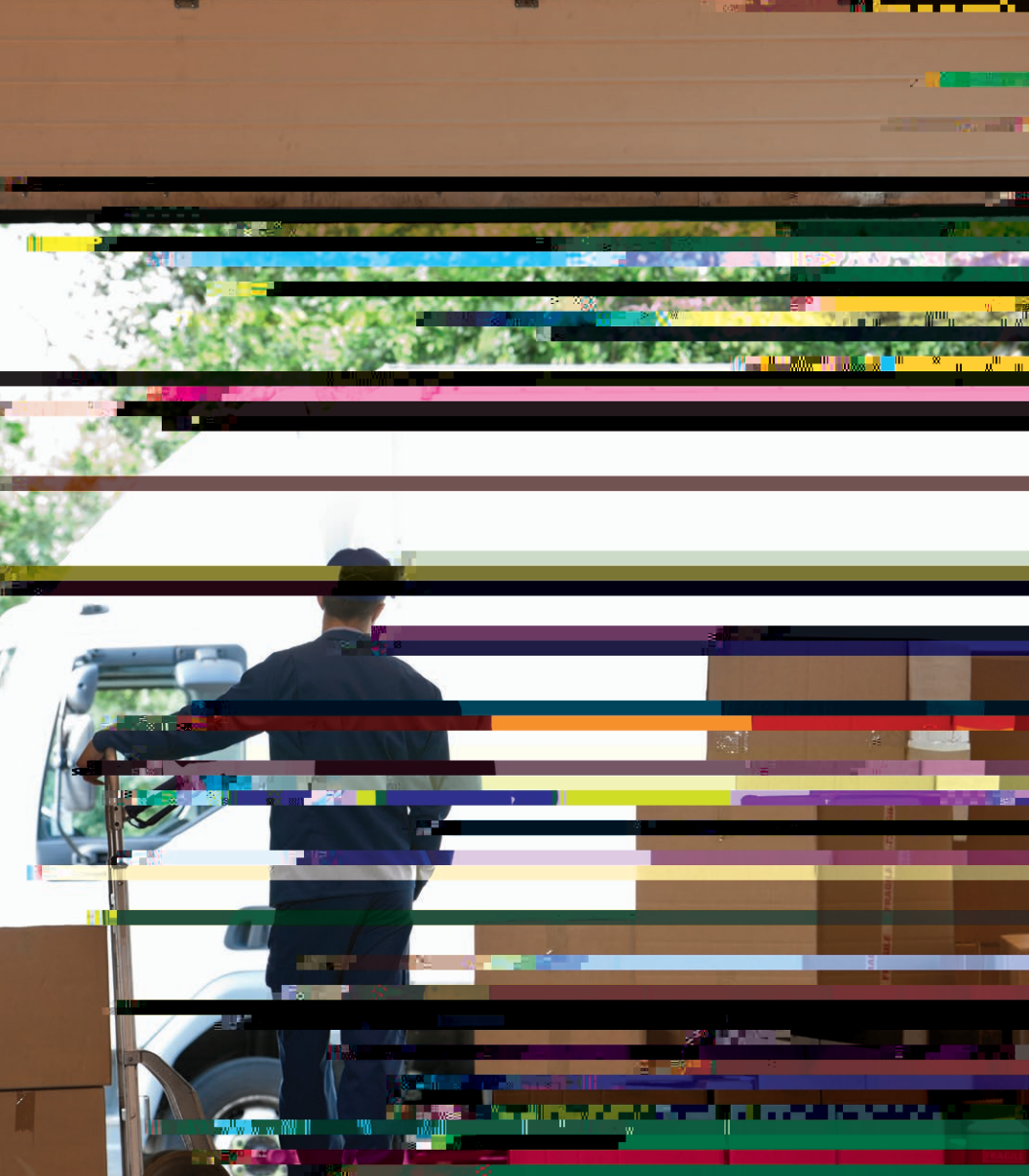
Vendors seeking to provide materials or services to Arizona school districts should also recognize that school districts may use cooperative purchasing rather than issuing their own solicitations. Cooperative purchasing allows school districts to purchase materials or services using master contracts solicited by the State or by local purchasing cooperatives. Thus, vendors should consider registering with the local purchasing cooperatives as well as with the school districts.

9.8 VHXO 'HQLWLRQV

“Construction” means the process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. Construction does not include the routine operation, routine repair or routine maintenance of existing facilities, structures, buildings or real property. Further, construction does not include the investigation, characterization, restoration, or remediation due to an environmental issue of existing facilities, structures, building or real property.

“Construction Services” means either of the following for construction-manager-at-risk, design-build and job-order-contracting project delivery methods: (a) construction, excluding services, though the construction-manager-at-risk or job-order-contracting project delivery methods; or (b) a combination of construction and, as elected by the purchasing agency, one or more related services, such as construction management, design-build or job-order-contracting.

“Contract” means an agreement, whether written or oral, that they may be called, for the procurement of materials, services, construction or construction services, or the disposal of materials. A contract with an Arizona public entity generally includes a combination of the Solicitation, including the following:



V. Summary of Basic Procurement Processes

The procurement processes described below are some of the more common solicitation practices conducted by procuring entities, but they are not the only processes. The procurement processes that apply to a purchase will depend not only on the entity conducting the procurement, but also on the nature of the materials or services being procured and the estimated cost of those materials or services. Vendors should consult with legal counsel and become familiar with the processes that most often apply to the materials or services the vendor provides. In all cases, vendors are responsible for reading and understanding the solicitation documents; obtaining and acknowledging any solicitation amendments; providing all required information; providing required documentation or samples; signing the bid or proposal; and submitting a timely response.

Formal Solicitations (Exceeding \$100,000)

The sealed bid threshold, currently set at \$100,000, is established by the Arizona legislature. Purchases of materials or services that exceed the aggregate amount of \$100,000 must be procured through the use of a formal solicitation, such as

H U P U] P [H [P V U M V Y I P K Z H Y L X \ L Z [M V Y W Y V - W V Z H S Z

chases cannot be split or fragmented in order to avoid the sealed bid threshold or the need for a formal solicitation pr

IL \ZLK 7LYZVUZ WYLWHYPUN VY HZZPZ[PUN PU [OL WYLWHYH[PVU VM ZWLJPÄJH[PVUZ
 TH` UV[Z\ITP[IPKZ PU YLZWVUZL VY V[OLY^PZL YLJLP]L HU` KPYLJ[ILULÄ[6US`
 those bid requirements and evaluation criteria set forth in the IFB shall be
 HWWSPK PU L]HS\H[PUN IPKZ (IPK [OH[[HRLZ L_JLW[PVU [V H THUKH[VY` ZWLJPÄ-
 cation or fails to meet a material requirement in an IFB is not a responsive bid.

Request for Proposals (“RFP”): With a Request for Proposals, a procur -

PUN LU[P[` TH` H^HYK H JVU[YHJ[[V H YLZWVUZPISL V\LYVY ^OVZL WYVWVZHS
 is determined to be the most advantageous to the procuring entity based
 upon the RFP evaluation factors. RFPs may be used to procure materials
 and services, but may not be used to procure construction, construction
 ZLY]PJLZ VY ZWLJPÄLK WYVMLZZPVUHS ZLY]PJLZ ;OL 9-7 ^PSS KLZJYPIL [OL WYV-
 J\YPUN LU[P[` »Z YLX\PYLTLU[Z ZWLJPÄ-
 cations or a scope of work, evaluation

VI. Contracts with Arizona public entities

() LUKVY »Z IPK VY WYVWVZHS PU YLZWVUZL [V H ZVSPJP[H[PVU PZ HU V\LY [V JVU[YHJ[upon the terms and conditions contained in the solicitation, but it is not a contract until the procuring entity accepts the bid or proposal and awards a contract to the vendor. The awarded contract consists of both the solicitation and any amendments, and the bid or proposal submitted by the vendor in response to [OL ZVSPJP[H[PVU 0U [OL L]LU[VM H JVUÁPJ[PU SHUN\HNL IL[^LLU [OL ZVSPJP[H[PVU HUK the vendor's bid or proposal, the provisions and requirements set forth in the solicitation govern.

Contracts with public entities in Arizona must conform to certain statutory requirements, including but not limited to the following:

- Contracts

VIII. Vendor Ethics

It is critical that government purchasing remain independent, fair and impartial, and any suggestion of favoritism, partiality or corruption in the process are vital, and any suggestion of favoritism, partiality or corruption in the process is harmful. Responsibility for maintaining integrity in the procurement process rests with all participants in the procurement process – including vendors. Vendors must seek to maintain the highest standards of ethical behavior, keeping in mind these key points:

Communications: Solicitations will include the name and contact information for the procuring entity's authorized purchasing agent. All vendor communications relating to the procurement must go through the authorized purchasing agent. Vendor communications with other employees at the procuring entity for

HUK MYLL VM VISPNH[PVU VY Z\ZWPJPVU *YŁKPIPSP[` HUK W\ISPJ JVUÄKLUJL PU [OL WYV

