

**BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

Requested Board Meeting Date: June 3, 2014

**ITEM SUMMARY, JUSTIFICATION AND/OR SPECIAL CONSIDERATIONS:**

Approval of a proposed amendment to Pima County Code, Chapter 11--Pima County Procurement Code. The proposed amendment provides clarification concerning who has standing as an interested party to file a procurement protest and/or to file an appeal of the Procurement Director's decision to the Board of Supervisors.

Approval of the amendment will resolve any ambiguities in the procurement Code concerning the ability of an interested party to file a protest regarding any aspect of a solicitation, evaluation, or recommendation for award.

**CLERK OF BOARD USE ONLY: BOS MTG. \_\_\_\_\_**

**ITEM NO. \_\_\_\_\_**

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**ORDINANCE NUMBER 2014-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO THE PROCUREMENT OF GOODS AND SERVICES; AMENDING CHAPTER 11.20, SECTION 11.20.010J(1) OF PIMA COUNTY CODE TITLE 11 – PIMA COUNTY PROCUREMENT CODE.**

**WHEREAS**, Pima County Government recognizes that there are certain ambiguities in Title 11 of the Pima County Code concerning who has standing to file a protest regarding any aspect of a solicitation, evaluation, or recommendation for award; and

**WHEREAS**, the Board of Supervisors has authority to amend Title 11 of the Pima County Code to clarify provisions in the Code; and

**WHEREAS**, County staff has reviewed the Code amendments and recommends that they be adopted by the Board of Supervisors; and

**WHEREAS**, it is the intent of this Ordinance to amend Pima County Code Title 11 to modify provisions in the Code to clarify who has standing as an interested party to file a procurement protest and/or to file an appeal of the Procurement Director's decision to the Board of Supervisors.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

**SECTION 1.** The Pima County Code, Title 11, Chapter 11.04, is hereby amended to read:

**CHAPTER 11.20  
PROTESTS**

**Section 11.20.010 – Protests.**

D. Filing a Protest. An interested party may file a protest in writing with the procurement director. Protests filed more than five days after the protester knew or should have known of the recommendation for award, or after contract award shall be considered untimely. The protest shall include the following information: ...

\* \* \* \*

J. Appeal to the board of supervisors.

1. An interested party may file a written appeal of the procurement director's decision specifying the reason for the appeal. The appeal shall be filed with the clerk of the board within five days of the date of the procurement director's decision....

\* \* \* \*



ORDINANCE NUMBER 2014-\_\_\_\_\_

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WHEREAS, Pima County Government recognizes that there are certain ambiguities in Title 11 of the Pima County Code concerning who has standing to file a protest regarding any aspect of a solicitation, evaluation, or recommendation for award; and

WHEREAS, the Board of Supervisors has authority to amend Title 11 of the Pima County Code to clarify provisions in the Code; and

WHEREAS, County staff has reviewed the Code amendments and recommends that they be adopted by the Board of Supervisors; and

WHEREAS, it is the intent of this Ordinance to amend Pima County Code Title 11 to modify provisions in the Code to clarify who has standing as an interested party to file a procurement protest and/or to file an appeal of the Procurement Director's decision to the Board of Supervisors.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

SECTION 1. The Pima County Code, Title 11, Chapter 11.04, is hereby amended to read:

**CHAPTER 11.20  
PROTESTS**

**Section 11.20.010 – Protests.**

[D. Filing a Protest. ~~A bidder or offeror~~ AN INTERESTED PARTY may file a protest in writing with the procurement director. Protests filed more than five days after the protester knew or should have known of the recommendation for award, or after contract award shall be considered untimely. The protest shall include the following information:  
...]

\* \* \* \*

[J. Appeal to the board of supervisors.

1. ~~A protester or any other~~ AN interested party who participated in the protest hearing may file a written appeal of the procurement director's decision specifying the reason for the appeal. The appeal shall be filed with the clerk of the board within five days of the date of the procurement director's decision....]

\* \* \* \*

**SECTION 2.** This Ordinance shall take effect 31 days from the date of its adoption.

**PASSED AND ADOPTED** by the Board of Supervisors of Pima County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Deputy County Attorney  
*for Maria N. Delgado*

5/21/14  
Date