



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 5, 2017

**Title:** Ordinances Amending Pima County Code Title 11, Procurement and Title 20, The Small Business Enterprise Participation Program; and Board of Supervisors Policy, Series D 29, Procurement

### **Introduction/Background:**

A complete review of Pima County Code Title 11 and 20, and Board of Supervisors Policy D29 series was conducted. Changes have not been made to Code since 2012 when a minor change was made to Title 11 and in 2011 when changes were made to both Title 11 and 20 due to Proposition 107. It is recommended that all threshold levels be brought in line with state statute and clarifications to Code and Policy be addressed. The opportunity to make cosmetic changes was taken while content changes are being proposed to the documents. Additionally, on the advice of the County Attorney's Office, "shall" was removed from Policy and substituted with "will" or "must". A summary of the proposed changes are presented in the Discussion section.

### **Discussion:**

#### Title 11, Pima County Procurement Code

Previous code change has converted dollar thresholds from an exact dollar amount to the statute reference. This version completes that exercise with a change to 11.12.030 - Professional services and 11.12.040 - Small purchases. When the formal bid threshold was increased by statute from \$50,000 to \$100,000 in September 2013, 11.12.030 - Professional services was not included since a specific dollar amount is stated as opposed to A.R.S. §41-2535. Likewise, when the small purchase threshold was increased by statute from \$5,000 to \$10,000 in February 2015, 11.12.040 - Small purchases was not included since a specific dollar amount is stated as opposed to A.R.S. §41-254.01.C.

In 11.20.010 - Protests, the sections regarding a protest hearing are removed. Those prescribed steps have been in the Code since its adoption in 1997. To the Procurement Department's knowledge, this process has not been used, certainly not in the last 16 years. The removal of this step replicates the process that has been occurring and allows for a more efficient process to a resolution. Other clarifications bring Code up to date with Board Policy, practice or other regulations, such as authority for awarding certain software contracts over a five-year term and multiple contracts.

#### Title 20, Pima County Procurement Code

This Code has changed drastically since first adopted in 1997. It is currently a race and gender neutral program that encourages the use of small business enterprises. Subcontracting goals for goods and general services and professional services, including Architectural & Engineering services, were added to the Code in 2009. They are removed in this version for goods, general services and, in some cases, professional services. Those elements of code have not been practiced and it is impractical to apply goals in these areas due to a very limited pool of potential vendors and the extensive effort to set goals and monitor compliance.

Changes of some authority from the County Administrator to the Procurement Director are included to reflect current and past practice. The Sunset date chapter is removed. Changes include the conversion of dollar thresholds from an exact dollar amount to the statute reference and updated definition for Small Business Enterprise.

#### Board of Supervisors Policy D29 Series

##### D29.1

- Clarifications include the Qualified Consultant List cap on an annual basis.
- The solicitation may include an estimated price range for the services.
- Removed requirement for departments to notify the Board of Supervisors if they intended to use an Alternative

Project Delivery Method (ADPM). ADPM is now a common practice, and this request process has not been occurring.

- Removed attachment of form.

#### D29.2

- To reflect current hierarchy, added "or designee" to the reporting structure of the Procurement Director.
- Added an example of a no substitute justification that includes equipment if a part of a department's standardization plan. Simply stating it is a department's standard on the justification is not satisfactory. The department must have a documented standardization plan.
- Definition of vendor added.

#### D29.3

- Increased the small purchase threshold from \$5,000 to \$10,000.
- Added definition for annual aggregate and amended definition of Materials and General Non-Professional Services.

D29.4 is rewritten in its entirety to reorganize the content. In addition, content changes have been made as follows:

- Centralized Contracts Processing and Repository
  - o Added language to clarify that this includes contracts exempt from the Procurement Code and contracts signed by delegated authority.
- Contracts
  - o A listing of different types of contracts with definitions was centralized to one section. Most definitions were previously located in the Contract Approval section and intermingled with approval authority. Some definitions are updated.
- Contract Development
  - o Section E restated to clarify process.
- County Attorney Approval as to Form
  - o Increased threshold to \$10,000 to correlate with proposed small purchase threshold.
  - o Language added to address approval of real property contract forms.
- Monetary Commitments
  - o Clarified language to include receipt of monies.
- Contract Approval
  - o Reduced to contracts approvals based on signing authority.
  - o Clarified Award versus contract authority
  - o Added delegated authority.
  - o Changed D29.6 signing authority threshold from \$50,000 to \$100,000 to correlate to code and D29.6 change.
  - o Added ratification process.
- Authorization to Proceed and Retroactive Effective Dates
  - o Amended requirement to review and make a determination to include all signing authorities.
- Contract Modifications/Amendments
  - o Clarified signing authority for amendments.

#### D29.6

- Increased threshold from \$50,000 to \$100,000 to correlate with A.R.S. §41-2535 and the formal bid threshold used for goods and general services.
- Direct Selection approvals are submitted directly to the County Administrator.

#### D29.7

- Removed "human" from the purpose to include medical care of animals by Pima Animal Care Center.
- Added another condition for waiver of procurement rules.
- Expanded definition of "any willing, qualified provider".
- Added statement to obtain Risk Management review and approval.

D29.8

- Clarified that the Small Business Enterprise (SBE) Policy does not apply to federally funded contracts.
- Clarified location of SBE database.
- Updated language to address new small purchase threshold of \$10,000 and formal bid threshold of \$100,000.
- Language added for Procurement to comply with Code in the application of SBE participation in professional services.
- Changed language to reflect closing of Vendor Relations/SBE Division and names new responsible party.
- Moved goal-setting procedure to a Procurement procedure.

D29.9

- No content changes.

D29.10

- Removed references to M/W (Minority/Women) since repealed in 2011.
- Restated how the Procurement Department will comply with Disadvantaged Business Enterprise (DBE) requirements for federally supported projects.

D29.11

- Reorganized definitions.
- Clarified that the Procurement Department will obtain Board permission to dispose of property by trade-in through a procurement process.
- Scrap/salvageable waste disposal added as disposal method.
- Clarified that the matrix on page four that defines authority is a part of the Policy.

Attachments: County Administrator memorandum, Title 11 and 20 Ordinances, Board of Supervisors Policy 29 Series

**Conclusion:**

Based on a comprehensive review, the proposed Code Ordinances and Policy changes provide increased clarification and consistency across Arizona Revised Statute, Pima County Code, and Board of Supervisors Policy. Pursuant to A.R.S. §38-431.02, the proposed ordinances were scheduled to be advertised on August 17, 2017.

**Recommendation:**

Staff recommends the Board adopt Ordinance 2017 - \_\_\_ amending the Pima County Procurement Code, Chapters 11.04, 11.08, 11.12, 11.16 and 11.20; adopt Ordinance 2017 - \_\_\_ amending the The Small Business Enterprise Participation Program, Chapters 20.08, 20.16, 20.20, 20.24, 20.28, and 20.44; and adopt the changes to Board of Supervisors Policy, Series D 29, Procurement.

**Fiscal Impact:**

None.

**Board of Supervisor District:**

- 1     
  2     
  3     
  4     
  5     
  All

Department: Procurement Telephone: 724-8161

Contact: Mary Jo Furphy Telephone: 724-8198

Department Director Signature/Date: Mary Jo Furphy 8/18/17

Deputy County Administrator Signature/Date: Jon Buhler 8-18-17

County Administrator Signature/Date: C. A. [Signature] 8/18/17



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# MEMORANDUM

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Date: June 21, 2017

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Proposed Procurement Code and Policy Changes**

During the June 6, 2017 Board of Supervisors meeting, there was discussion regarding a review of the procurement processes. The Procurement Director has been working on a comprehensive review of the Pima County Code Title 11, Procurement, and Title 20, Small Business Enterprise, and Board of Supervisors Policy D29 Series, Procurement.

Attached is an Executive Summary on the Proposed Procurement Code and Policy Changes for your review. The Procurement Director is available to answer any questions and receive input on the proposed summary of changes. Details of the proposed Code and Policy changes will be provided in the next few weeks after the collection and review of questions and comments.

CHH/mjk

Attachment

c: Tom Burke, Deputy County Administrator for Administration  
Mary Jo Furphy, Procurement Director



**PIMA COUNTY PROCUREMENT DEPARTMENT**  
130 W. CONGRESS ST., 3RD FLOOR, TUCSON, AZ 85701-1207  
PHONE: (520) 724-8161 FAX: (520) 222-1484

**Mary Jo Furphy**  
Procurement Director

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### Executive Summary on Proposed Procurement Code and Policy Changes

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#### Title 11: Pima County Procurement Code

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In 11.20.010 – Protests, the sections regarding a protest hearing are removed. Those prescribed steps have been in the Code since its adoption in 1997. To the Procurement Department's knowledge, this process has not been used, certainly not in the last 16 years. The removal of this step, replicates the process that has been occurring and allows for a more efficient process to a resolution. Other clarifications bring Code up to date with Board Policy, practice or other regulations, such as authority for awarding certain software contracts over a five-year term and multiple contracts.

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## Board of Supervisors Policy D29 Series

### D29.1

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- To reflect current hierarchy, added "or designee" to the reporting structure of the Procurement Director.
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  - o Amended requirement to review and make a determination to include all signing authorities.

- Contract Modifications/Amendments
  - o Clarified signing authority for amendments.

#### D29.6

- Increased threshold from \$50,000 to \$100,000 to correlate with A.R.S. §41-2535 and the formal bid threshold used for goods and general services. When the formal bid threshold was increased in September 2013, this Policy was not included. In 2005, when the formal bid threshold was increased from \$35,000 to \$50,000, the new threshold was applied to all procurements, including this Policy.
- Direct Selection approvals are submitted directly to the County Administrator.

#### D29.7

- Removed "human" from the purpose to include medical care of animals by Pima Animal Care Center.
- Added another condition for waiver of procurement rules.
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ORDINANCE 2017 - \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA,  
RELATING TO PROCUREMENT OF GOODS AND SERVICES; AMENDING THE PIMA  
COUNTY PROCUREMENT CODE, CHAPTERS 11.04, 11.08, 11.12, 11.16 AND 11.20.**

**The Board of Supervisors of Pima County Arizona finds that:**

1. On June 22, 1997, The Pima County Board of Supervisors adopted Ordinance No. 1997-45, recorded in Book 25, Page 1276 in the Office of the Pima County Recorder, adding Title 11 to the Pima County Code and creating the Pima County Procurement Code.
2. It is in the best interest of the County to amend certain provisions of the Pima County Procurement Code to provide clarifications; to allow for new procedures for making multiple awards, small purchases of less than \$10,000, and small professional services of less than \$100,000; to clarify the change order authorization; and to add a distinction between business or calendar days.

**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 11.04  
GENERAL PROVISIONS**

...

**11.04.020 – Applicability.**

...

- C. This title ~~does~~ shall not apply to the procurement of experts to provide testimony or other professional services relating to pending or anticipated litigation or administrative proceedings, including any court ordered services.

...

**11.04.030 – Definitions.**

...

- G. "Day" means Monday through Friday, 8:00 a.m. to 5:00 p.m. excluding holidays, as provided by law, unless stated as "calendar days" herein.

...



**Section 2.** The Pima County Code, Title 11, Chapter 11.08, is hereby amended to read:

**CHAPTER 11.08  
PROCUREMENT ORGANIZATION**

**11.08.010 – Authority of the procurement director.**

...

B. Unless otherwise provided in this title, the authority, duties and responsibilities of the procurement director ~~are shall~~ be as follows:

...

5. Award and execute contracts in an amount up to two hundred fifty thousand dollars per year for a maximum term of five years from the effective date of the contract, with the exception of settlement agreements related to lawful claims arising from litigation involving the county and certain software contracts as further defined in policy. Procurement requirements ~~shall~~ must not be artificially divided to circumvent source selection procedures required by this title. Contracts signed by the procurement director ~~shall~~ will be reported to the board.

...

14. Notwithstanding any provisions to the contrary in this section, the procurement director or authorized designee may execute contracts for materials and services in any amount, provided that if the contract amount exceeds the award authority of the procurement director, the board ~~shall~~ will make the award.

...

**Section 3.** The Pima County Code, Title 11, Chapter 11.12, is hereby amended to read:

**CHAPTER 11.12  
SOURCE SELECTION: MATERIALS AND SERVICES**

**11.12.010 – Competitive sealed bidding.**

...

I. Bid Evaluation and Award. Bids ~~shall~~ will be evaluated to determine which bid is the most advantageous to the county concerning price, conformity to the specifications and other factors.

...

5. Multiple contracts may be awarded if determined to be in the best interest of the County.

...

**11.12.020 – Competitive sealed proposals.**

...

I. Proposal Evaluation and Award.

...

4. Multiple contracts may be awarded if determined to be in the best interest of the County.

...

**11.12.030 – Professional services.**

A. Conditions for Use. Except as specified in this section, professional services expected to exceed ~~fifty thousand dollars~~ the bid threshold determined by A.R.S. § 41-2535 shall will be procured according to Section 11.12.020. Professional services expected not to exceed ~~fifty thousand dollars~~ the bid threshold determined by A.R.S. § 41-2535 shall will be procured in accordance with written procurement policy approved by the board.

...

D. Architectural/Engineering Services. Architectural or engineering services shall will be procured in accordance with Title 34 of Arizona Revised Statutes, except that a preference shall will be given for small local firms as follows, unless precluded by Federal participation:

a. An architectural or engineering firm with fewer than one hundred employees in Pima County and headquartered in Pima County shall will be deemed an "A" firm and shall will receive a preference in the amount of five percent of the total points available in the evaluation.

...

**11.12.040 - Small purchases.**

A. Conditions for Use. This section applies to the procurement of materials and general services costing less than the bid threshold defined by A.R.S. § 41-2535, not including architectural and engineering or construction services. Procurement requirements shall will not be artificially divided to circumvent source selection.

B. Purchases from ~~five thousand dollars~~ the dollar threshold defined in A.R.S. § 11-254.01.C up to the bid threshold determined by A.R.S. § 41-2535. For purchases of materials and general services ~~estimated annually to cost between five thousand dollars and the bid threshold with an estimated aggregate annual cost equal to or greater than the dollar threshold defined in A.R.S. § 11-254.01.C but less than the threshold defined by A.R.S. § 41-2535,~~ the procurement department shall will issue a request for quotations and shall will solicit a minimum of three written quotations, including a quotation from at least one certified small business enterprise (SBE) if identified as available for the solicited commodities or services in the Pima County vendor database at the time of the solicitation. A description of the solicited requirements, the names of the businesses submitting

quotations, and the date and amount of each quotation, ~~shall~~ will be documented and maintained as a public record.

- C. Purchases less than ~~five thousand dollars~~ the dollar threshold defined in A.R.S. § 11-254.01.C. For purchases estimated annually to cost less than ~~five thousand dollars~~ the dollar threshold defined in A.R.S. § 11-254.01.C, the administering department ~~shall~~ will obtain as much competition as is practicable, including qualified and available SBE firms. Any quotes obtained ~~shall~~ will be maintained in the procurement file as a public record.
- D. As defined in Pima County Code, Section 20.16.010(B) ~~and BOS Policy D20-8III(C)~~, the procurement department may "reserve" or restrict its informal solicitations for specific material and general service commodities that do not exceed ~~fifty thousand dollars~~ the threshold determined by A.R.S. § 41-2535 per contract year to only certified local SBE's.
- E. Sole Source Procurement. All sole source procurement is subject to the procedures in Section 11.12.050.
- F. ~~Contracts. The procurement director shall establish simplified contract documents for use in procurement for services that do not exceed fifty thousand dollars.~~

**Section 4.** The Pima County Code, Title 11, Chapter 11.16, is hereby amended to read:

**CHAPTER 11.16  
PROCUREMENT FOR CONSTRUCTION**

**11.16.010 – Construction contracts.**

- C. Modifications. ~~The procurement director or the Board of Supervisors will approve Necessary necessary~~ Necessary modifications to construction contracts ~~shall be approved by the procurement director or the board as set forth in this section.~~ Any number of modifications may occur, but will be limited according to this subsection.
  - 1. The procurement director has authority to approve individual modifications in the scope of work that will result in an increase of not more than twenty-five percent of the original total contract value, or two hundred fifty thousand dollars whichever is less. Unless specifically authorized by the board under the terms of the contract, the procurement director's modification authority ~~shall~~ must not exceed a cumulative total of five hundred thousand dollars per contract. The procurement director must approve modifications prior to the commencement of that work and will report. All all such modifications approved by the procurement director, which must be accomplished prior to the commencement of any work, shall be reported to the board as directed. When the procurement director approves modifications, are approved, the procurement director may extend the contract term, if necessary, by up to twenty-five percent of the original construction completion time contract term, or ninety calendar days, whichever is greater.

2. Except as otherwise provided in this section, individual modifications that will result in an increase of the contract in excess of twenty-five percent of the original contract value or two hundred fifty thousand dollars whichever is less, and all modifications when the cumulative total modifications on one contract exceed five hundred thousand dollars ~~shall~~ will be submitted to the board for approval prior to the commencement of work; except that the procurement director is authorized to approve modifications exceeding these limits in order to prevent substantial economic harm to the county, ~~or on projects funded with federal monies. The procurement director will report all~~ Such modifications shall be reported to the ~~b~~Board as directed.

**Section 5.** The Pima County Code, Title 11, Chapter 11.20, is hereby amended to read:

## CHAPTER 11.20 PROTESTS

### 11.20.010 - Protests.

E. Procurement Director Action. Upon receiving a protest, the procurement director must stay the contract award if the award has not been made until the appeal process, as stated in section H, has concluded with or without an appeal. The procurement director will review the facts presented in the protest and render a decision.

~~E~~F. Dismissal Before Hearing. Within five days of receipt of the protest, the procurement director ~~shall~~ will dismiss a protest, upon a written determination, if:

1. The protest does not state a valid basis for protest; or
2. The protest is untimely.

~~F. Protest Hearing.~~

- ~~1. If the county administrator or the procurement director determines that a hearing on a protest is appropriate, the procurement director shall set a hearing within ten days of receipt of the protest and notify the protestor of the time and place set for the hearing.~~
- ~~2. Notice of the hearing shall also be given to any other persons involved in the solicitation whose interests may be affected by the ruling. Any person whose interest is potentially affected may be permitted to participate in such hearing.~~
- ~~3. If a protestor fails to appear and participate in the hearing, the official conducting the hearing may summarily rule upon the protest based upon information then available.~~

~~G. Hearings; Stay of Recommendation.~~ Hearings conducted in accordance with this section shall be conducted by the procurement director or designee or a hearing officer designated by the county administrator, and shall be as informal or formal as may be reasonable and appropriate under the circumstances. Upon receiving notice of hearing, the county administrator shall stay the contract award pending the outcome of the hearing, unless the county administrator makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the county.

~~H. Protest Decision. The procurement director shall render a written decision on the protest. If there is a hearing on the protest and a hearing officer issues a recommended decision, the procurement director's decision may adopt or reject that recommendation. The procurement director shall send the decision to the protester and any other interested parties within five days after the protest is filed or the hearing is complete, whichever is applicable. The decision shall state that the protester and any other interested party who participated in the hearing may appeal the decision to the board by filing an appeal with the clerk of the board within five days of the date of the written decision.~~

~~I.G. Remedies. If the protest is sustained in whole or part, an appropriate remedy shall will be implemented.~~

- ~~1. In determining an appropriate remedy, consideration shall will be given to all the circumstances surrounding the procurement including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, costs to the county, the urgency of the procurement and the impact of the relief on the department's mission.~~
- ~~2. An appropriate remedy may include the following:
  - a. Withdraw staff recommendation and reissue the solicitation;
  - b. Withdraw staff recommendation and issue a new solicitation;
  - c. Withdraw staff recommendation and recommend award of contract consistent with this title; or
  - d. Such other relief as is determined appropriate.~~

~~J.H. Appeal to the bBoard of eSupervisors.~~

- ~~1. A protester or any other interested party who participated in the protest hearing involved in the solicitation whose interests may be affected by the ruling may file a written appeal of the procurement director's decision specifying the reason for the appeal. A dismissal based on an untimely protest is not appealable. The appeal shall must be filed with the clerk of the board within five days of the date of the procurement director's decision.~~
- ~~2. The board shall will consider the protest at a regularly scheduled meeting within thirty calendar days of the procurement director's decision. The board may, with or without a hearing, either accept the decision of the procurement director, or determine an appropriate remedy.~~

**Section 6.** All other provisions of Chapters 11.04, 11.08, 11.12, 11.16 and 11.20 of the Pima County Code not specifically amended hereby remain in full force and effect.

**Section 7.** This Ordinance takes effect October 1, 2017.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

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

APPROVED AS TO FORM

  
\_\_\_\_\_  
Deputy County Attorney  
**TOBIN ROSEN**

ORDINANCE 2017 - \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO BUSINESS ENTERPRISES; AMENDING THE PIMA COUNTY CODE, CHAPTERS 20.08, 20.16, 20.20, 20.24, 20.28, AND 20.44 RELATING TO THE SMALL BUSINESS ENTERPRISE PARTICIPATION PROGRAM.**

The Board of Supervisors of Pima County Arizona finds that:

1. On June 3, 1997, The Pima County Board of Supervisors adopted Ordinance No. 1997-44, adding Title 20 to the Pima County Code and creating the Pima County Minority And Woman-Owned Business Enterprise Code.
2. It is in the best interest of the County to amend certain provisions of Title 20 of the Pima County Code to provide clarifications; restate the certification process; and remove the sunset date.

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

**Section 1.** The Pima County Code, Title 20, Chapter 20.08, is hereby amended to read:

**CHAPTER 20.08  
DEFINITIONS**

**20.08.010 - Definitions.**

K. "Eligible project" ~~shall~~ means any construction contract undertaken by the county unless otherwise precluded by law. Eligible project does not include any construction project in which the estimated contract value is below ~~fifty thousand dollars~~ the bid threshold determined by A.R.S. § 41-2535 or any construction project that requires a disadvantaged business enterprise or other goal pursuant to federal law.

R. "Small business enterprise (SBE)" ~~shall~~ means: a small business ~~which that~~ is eligible for certification, is certified by the county or a qualifying certification entity, is an independent and continuing business for profit, performs a commercially useful function, meets the Small Business Administration (SBA) size and gross income limit standard and is owned and controlled by one or more persons each of whose personal net worth does not exceed ~~seven hundred fifty thousand dollars~~ the limits established by the SBA.

**Section 2.** The Pima County Code, Title 20, Chapter 20.16, is hereby amended to read:

**CHAPTER 20.16  
GOODS AND GENERAL SERVICES**

**20.16.010 - ~~Goods and general services.~~ Declaration of specific measures adopted.**

~~D. Subcontracting Goals for Certain Goods and General Services Purchases. Where subcontracting opportunities arise in the area of goods and general services, the county may set subcontracting goals on such contracts on a project by project basis, according to availability. The provisions of this title related to construction contracts, which establish the terms of setting goals, of determining whether there has been "good faith effort," or "nonresponsiveness," of allowing the waiver of goals, and other relevant provisions, shall apply.~~

**Section 3.** The Pima County Code, Title 20, Chapter 20.20, is hereby amended to read:

**CHAPTER 20.20  
PROFESSIONAL SERVICES CONTRACTS**

**20.20.010 - ~~Professional Services Contracts.~~ Declaration of specific measures adopted.**

- A. SBE Participation Assigned Weight in the Evaluation Criteria. In selecting architects and engineers and other professional services, not including the medical and legal fields, the county ~~shall~~ will:
1. Develop a consistent method of evaluating and selecting professional services contractors across county departments; and
  2. Award points (up to ten percent of the available points) as part of the evaluation criteria for the participation of certified SBEs and joint ventures of SBE and non-SBE firms, and/or equal opportunity compliance.
    - a. A&E professional service participation points ~~shall~~ will be awarded for any certified local SBE;
    - b. Non-A&E professional service participation points ~~shall~~ will be awarded for any certified local SBE when the procurement department procures the professional services.
  3. Make county guidelines available to firms in advance of submitting proposals.
- B. Waiver. The award of points as part of professional service evaluation criteria is a narrowly tailored, flexible, and responsive measure, which allows for waiver upon recommendation approval of the procurement director to the county administrator for enforcement, when less restrictive, equally effective remedial measures are available and utilized.
- ~~C. Subcontracting Goals for Certain A&E Professional Design Contracts. Where subcontracting opportunities arise in the area of professional design contracts, the county may set subcontracting goals on such contracts on a project by project basis, according to availability. The provisions of this title related to construction contracts, which establish the terms of setting goals, of determining whether there has been "good faith effort," or "non-responsiveness," of allowing the waiver of goals, and other relevant provisions, shall apply.~~

**Section 4.** The Pima County Code, Title 20, Chapter 20.24, is hereby amended to read:

**CHAPTER 20.24  
CONSTRUCTION CONTRACTS**



**20.24.010 - Declaration of specific measures adopted.**

- A. Individual Project Subcontracting Goals. The procurement director ~~shall~~ will review each eligible project for potential SBE subcontracting participation. Where there is sufficient availability of qualified and willing SBEs, the procurement director ~~shall~~ will recommend individual project subcontracting goals ~~to the county administrator~~ for approval and enforcement.
- B. Any construction project procurement which does not exceed the ~~aggregate dollar amount of fifty thousand dollars~~ bid threshold determined by A.R.S. § 41-2535 may be restricted, if practicable, to small businesses as defined in rules adopted by the procurement director.

**20.24.020 – Compliance with individual project subcontracting goals.**

- A. Procedure.
  - 1. When the county has established subcontracting goals for a project, such goals will be published in the project specifications and the call for bids.
  - 2. All bidders are required to submit a subcontractor equity packet with their bid packet. The subcontractor equity packet will contain either:
    - a. The information necessary to show that the prime contractor will comply with the subcontracting goals, including a complete listing of SBE subcontractors to be used and the proposed SBE dollar percentage of each subcontract; or
    - b. A request for waiver of the goals.
  - 3. SBE prime contractors may ~~not~~ count their own participation towards fulfillment of the project's subcontracting goals.

**20.24.030 - Good faith efforts and waiver.**

- A. Individual Waiver of Project Subcontracting Goals. If a bidder has not met the established individual project subcontracting goals, the procurement director may waive ~~such goals may be waived by the county administrator upon recommendation of the procurement director,~~ if there is a timely request for waiver and sufficient demonstration that good faith efforts were made to meet the goal. The kinds of efforts, as well as the quantity and intensity of effort to meet established goals, will be considered. The statement of good faith efforts submitted with the subcontracting equity packet may contain any information the bidder deems relevant and ~~shall~~ must include each of the following:
  - ...
- C. General Waiver or Reduction of Project Goal. ~~The county administrator, upon recommendation of the procurement director,~~ may waive or reduce the established project goal where it is determined that SBE availability is less than projected upon establishing the goal. In such circumstances, ~~the county administrator~~ procurement director ~~shall~~ will certify that SBEs are in fact not available to provide the needed labor and materials at competitive prices.

**Section 5.** The Pima County Code, Title 20, Chapter 20.28, is hereby amended to read:

**CHAPTER 20.28  
ENFORCEMENT AND REPORTING**

**20.28.030 - Reporting and maintenance of records by contractors.**

Contractors awarded contracts incorporating goals shall must submit a monthly participation report to ~~the county administrator through~~ the procurement director which summarizes the number and dollar amounts of subcontract awards made during the term of the contract. The contractor must submit the report shall be submitted to the procurement department on the last day of each month following the award of the eligible contract or project.

**20.28.060 - Investigations of compliance, burden of proof, and findings of noncompliance.**

- C. When a compliance review by the procurement department indicates grounds for finding that a contractor awarded any covered contract, or a subcontractor and subcontract thereunder, is not in compliance with applicable terms of this title:
- ~~4. The procurement department shall issue a notice of noncompliance to the county administrator;~~
  21. The county administrator procurement director shall then will give the contractor written notice of non-compliance which includes written notice to correct deficiencies within a reasonable time period;
  32. Then, if the contractor who has received a written notice from the county administrator procurement director to correct deficiencies fails to comply with requirements within the time allowed, the procurement department ~~shall~~ will issue a finding of noncompliance to the county administrator for enforcement of sanctions.

**Section 6.** The Pima County Code, Title 20, Chapter 20.44, is hereby repealed.

**CHAPTER 20.44  
SUNSET DATE**

**~~Chapter 20.44 - SUNSET DATE~~**

**~~Sections:~~**

**~~20.44.010 - Sunset date.~~**

~~This title shall be subject to regular review and expire no later than five years from the date of adoption, unless the board of supervisors after reviewing a legally acceptable quantum of evidence determines that the narrowly tailored remedial purposes of this title have not been achieved. Upon such determination, the board may extend the title for a reasonable period of time.~~

**Section 7.** All other provisions of Chapter 20.08, 20.16, 20.20, 20.24, and 20.28 of the Pima County Code not specifically amended hereby remain in full force and effect.

**Section 8.** This Ordinance will take effect October 1, 2017.

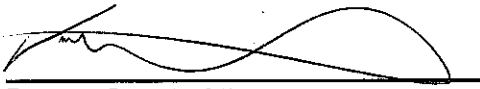
PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

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

APPROVED AS TO FORM

  
\_\_\_\_\_  
Deputy County Attorney  
**TOBIN ROSEN**



PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

<u>Subject:</u>  <b>Contracting for Architectural and Engineering Related Professional Services and Alternative Project Delivery Methods Under A.R.S. Title 34</b>	Policy Number	Page
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**Purpose**

This policy defines Pima County's process for the selection and contracting of architectural and engineering-related professional services and alternative project delivery methods for all departments. Nothing in this policy **shall will** prevent the County from complying with the terms and conditions of any grant, gift, bequest or intergovernmental agreement.

**Policy**

This Policy defines the qualifications-based evaluation process to be used in the acquisition of architectural and engineering services.

This Policy sets forth the process for the creation and use of Qualified Consultants Lists (**QCL**) for professional service categories. Consultants on these lists may receive contracts for professional services not to exceed \$250,000 per project **and \$500,000 per year**. Qualified consultants may be on more than one ~~Qualified Consultants List~~ **QCL** and may enter into more than one contract with the County.

This Policy provides separate processes for acquiring professional services exceeding \$250,000 per project and for categories of work not included in the ~~Qualified Consultants Lists~~ **QCL**.

This Policy provides procedures to be used in procuring Alternative Project Delivery Method (**APDM**) construction services under Chapter 6 of **Arizona Revised Statutes (A.R.S.)** Title 34.

This Policy implements Ordinance Number 2012-10 which establishes a preference for small, local architectural and engineering firms in the award of County architectural and engineering contracts, **unless precluded by Federal participation.**

This Policy provides a performance evaluation process which is intended to provide an incentive for Consultants **and Contractors** to enhance the quality, timeliness, responsiveness, and cost effectiveness of consulting **and non-consulting** services provided to the County. The performance evaluation completed by the individual departments **shall will** be used Countywide in the performance evaluation process.

**Definitions**

**Administering Department** – The department requesting professional or APDM services as defined by this policy and responsible for the day-to-day administration of the contract.

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Alternative Project Delivery Methods (APDM) – For the purpose of this Policy, the term “alternative **Project project** delivery methods” includes design-build, construction manager at risk, and job order contracting as defined in A.R.S. Title 34.

A.R.S. – ~~the Arizona Revised Statutes~~

Board – ~~the Pima County Board of Supervisors~~

Local Office – For purposes of this Policy, “local office” means a permanent office located within Pima County for at least two years that employs at least one professional that is a current Arizona Registrant in the discipline proposed and capable of performing the required professional services.

Professional Services – For purposes of this Policy, professional services are consulting services falling within the scope of architectural and/or engineering disciplines covered by “Standard Form 330” (GSA SF 330, available from the United States General Services Administration Forms Library at [www.gsa.gov/forms](http://www.gsa.gov/forms)), **Exhibit 1**, technical registrants as defined in A.R.S. Title 32 and the Rules of the Board of Technical Registration, and additional categories defined by the Procurement Director.

**General Provisions**

- Emergency acquisition of professional services **shall must** be made in accordance with Procurement Code **Section § 11.12.060 AND and** A.R.S. § 34-606.
- Amendments and contracts **shall must** be processed in accordance with the Board **of Supervisors** Policy D29.4.
- Protests **shall must** be handled in accordance with Pima County Procurement Code, **§ 11.20.010**.
- The solicitation and award of multiple contracts under a single solicitation issued pursuant to this policy **shall must** comply with the requirements of A.R.S. § 34-102 **and 34-604**.
- In certain unique circumstances, projects may require the selection of a consultant in a manner outside the provisions of this policy. With the written approval of the Procurement Director, selection of such consultants **shall will** be in accordance with State Law.

**Section A: Qualifications-Based Selection Procedure**

**I. General**

All solicitations and procurements of Architectural and Engineering Services and Alternative Project Delivery Method contracts **shall must** comply with the requirements of A.R.S. Title 34.

**II. Advertisement**

The Procurement Department **shall will** place a **Request Solicitation** for Qualifications (**SFQ**) advertisement in the official legal newspaper of Pima County briefly describing the project or projects and specifying the closing date for receipt of the required Statement of Qualifications (SOQ) **in**

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**accordance with the Publication Requirements Procurement Procedure. and may also use the The Internet may also be used** to notice and distribute documents intended to initiate the procurement process for services. Federally-funded solicitations **shall must** also be advertised **in the Daily Star** in accordance with the Publication Requirements Procurement Procedure.

**III. The Solicitation**

- A. The **SFQ Request for Qualifications (RFQ) shall will** include a request for a Statement of Qualifications (SOQ) consisting of:
  - 1. Standard Form 330, Architect-Engineer Qualifications (~~See Exhibit 1~~), or
  - 2. A qualifications statement based on a questionnaire specifically developed by the requesting department(s), or
  - 3. Narratives responsive to evaluation criteria or questions stated in the **RFQSFQ**, or
  - 4. Any combination of the above.
- B. The **RFQSFQ** must include a description of the project and scope of work, **the number (or maximum number) of firms that the County intends to award**, instructions on how to respond, and clearly identify any necessary certifications or other documents that must accompany the response. **The SFQ may include an estimated price range for the services.** Administrative requirements, such as the number of copies, page limits and related items must be specified.
- C. The **RFQSFQ** must state a definite location, date and time for submission of SOQ's after which submissions **shall will** not be accepted. Inadvertently accepted late submissions **shall will** be returned unopened, unless it is necessary to open the submission to identify the respondent.
- D. The **RFQSFQ shall must** clearly identify the evaluation criteria and their relative weight. Subcriteria with relative weights may be used to further clarify main criteria. Subcriteria stated without relative weights are presumed to be equal in value and must be applied in that manner.

**IV. Selection Procedure**

- A. Selection **shall will** be based on an evaluation of the SOQ using the evaluation criteria published in the **solicitation SFQ** and may include interviews. The selection process for professional services, other than architectural services, not exceeding \$500,000, or for professional architect services not exceeding \$250,000, may include the evaluation of interviews with the competing consultants if the solicitation provided for interviews. Interviews are required for **professional services** projects over \$500,000, and for architect services in excess of \$250,000, but may be waived with the approval of the Procurement Director. The evaluation criteria and relative weights **shall must** be stated in the solicitation.

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- B. 1. A competent evaluation committee **shall must** be established in accordance with this Policy and the "Evaluation Committee Selection and Administration" ~~p~~Procurement ~~p~~Procedure. For contracts expected to exceed \$2,000,000 in value, the evaluation committee **shall will**, if practicable, have seven **(7)** members comprised of four **(4)** members nominated by the department director, two **(2)** members from other departments or jurisdictions, and one **(1)** member from a qualified professional services firm. For APDM, the private sector representative on the **panel committee** must be a senior management official from a licensed contractor.
2. For ~~the Qualified Consultants List QCL~~, the evaluation committee **shall will** have at least three **(3)** members (not including the Chair), including, if practicable, at least one **(1)** member from a qualified professional services firm not participating in the procurement. Additional representatives from qualified professional services firms may be added to **panels committees** or substituted for department or other public members, subject to the limitation that an evaluation **panel committee** for APDM may not exceed seven members unless in compliance with A.R.S. § 34-603(C)(3) **and 34-604(C)(3)**.
3. All **panel committee** members must possess the technical qualifications, experience and competence necessary for the evaluation, such determination to be at the sole discretion of the Procurement Director. Direct supervisor-employee relationships between or among evaluation committee members are not allowable unless approved in writing by the Procurement Director. All **panel committee** members must execute a no-conflict and confidentiality statement before serving on a **panel committee according to the Evaluation Committee Selection and Administration Procurement Procedure**.
4. Appointees from outside Pima County **shall will** not receive compensation for performing this service; however, the ~~a~~Administering ~~d~~Department may elect to reimburse outside appointees for travel and lodging expenses incurred in connection with service on the **consultant selection panel evaluation committee**. The Procurement Director will appoint the **consultant selection evaluation panel evaluation committee** members and a Procurement Department **Contract Commodity/Contracts Officer (CCO) shall must** serve as the non-scoring chair of the **panel committee**. No individual employed by any of the competitors within the twelve **(12)** months preceding the beginning of the selection process may participate as an evaluator for Pima County.
- C. Evaluation criteria points **shall may** include **SBE Small Business Enterprise (SBE)** points as set forth in Pima County Code Chapter 20.04.030 and 20.20.010 and Small Local Business preference points as set forth in Pima County Code Chapter 11.12.030.D, for **A&E architectural and engineering services** procurements. Notice of the preference(s) must be included prominently in the **solicitation SFQ**.

Neither SBE nor Small Local Business preference points may be applied in a Federally-funded competitive solicitation for a contract that exceeds or will exceed the Federal simplified acquisition threshold (SAT) defined in subpart 2.1 of the Federal Acquisition Regulation, 48 C.F.R. § 2.101. With the approval of the granting agency, SBE and Small Local Business preference points may be

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applied in a Federally-funded competitive qualifications-based procurement for a contract that will not exceed the SAT.

- D. ~~RFQ responses~~ **SOQs** must be assessed for compliance with the administrative requirements of the solicitation (~~format, page count and limitations~~ **responsive and responsible, debarment verification, addenda acknowledgment, contract acceptance**, signature, etc.) before being transmitted to the selection **panel committee** for evaluation. Responses that do not conform to the administrative requirements **shall must** be rejected and not evaluated.
- E. Evaluation **panel committee** members **shall will** independently score the ~~Statements of Qualifications~~ **SOQs** using only the criteria stated in the solicitation. The scores **shall must** be in whole numbers and must be accompanied by explanatory comments supporting the score. The evaluation **panel committee** members **shall will** provide their scores and comments to the **panel committee** Chair who **shall will** collate the scores. If no interviews are held, the rank order of the respondents will be determined by the average of their evaluation scores on the written submission, with the firm having the highest average score (including applicable SBE and Small Local Business preference points) being the highest ranked. To avoid the loss of information in the case of close scores, averages will be computed to two decimal places.
- F. If interviews are to be held, the Procurement Director **shall will** extend the invitation for interviews to respondents in accordance with A.R.S. **§ 34-603 and 34-604(C)(2)(c)(i)**. Firms to be interviewed must be provided with specific questions, issues or topics to address in the interview and advised of the specific criteria applicable to the interviews in the invitation, unless the criteria are stated in the solicitation. The number of firms specified in the solicitation receiving the highest scores on the evaluation of the Statements of Qualifications **shall will** be invited to participate. Interviews **shall must** be scored based only on the applicable criteria **and relative weight**. Scores **shall must** be in whole numbers and must be accompanied by explanatory comments supporting the score. The interview score and written score **shall be equally may be differently** weighted in determining final rank order, with the respondent with the highest average score (including applicable SBE and Small Local Business preference points) being the highest ranked. To avoid the loss of information in the case of close scores, averages will be computed to two decimal places.
- G. If the difference between the **highest scores and the second highest score of respondents intended for award** is less than one percent (1%) of the total available points, the evaluation **shall will** be presented to the Procurement Director for approval and/or direction.
- H. If the scores for two **(2)** or more **consultants respondents** are tied and one **consultant respondent** maintains a local office, the **consultant respondent** maintaining the local office **shall will** be ranked higher. If both firms maintain local offices and one of the firms is a local Tucson firm not affiliated with a national firm, then the latter **shall will** be higher ranked. If both firms maintain local offices and are not affiliated with a national firm, ~~then the firm awarded the lesser value of work from the County in the immediately preceding twelve months shall be ranked highest committee consensus or the use of the Procurement Department Tie-breaker Procedure may be used to determine final award.~~



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- I. ~~Solicitations may not state a cost estimate or range for the services.~~ After the evaluation team selects the final list, negotiations may be initiated with the highest-ranked firm, subject to the Procurement Director's prior approval of the selection of the final list if required under "G" above. If an agreement cannot be reached with the highest-ranked firm, the Procurement Department **shall will** terminate negotiations with that firm and proceed to negotiate with the next ranked firm until the final list is exhausted. If an agreement is reached, the completed contract **shall must** be presented to the Board of Supervisors for Award. Once negotiations are terminated with any firm, that firm may no longer be considered, nor may negotiations be reopened with that firm.
- J. In accordance with A.R.S. §§ 34-603(H), 604(H) only the names of the firms on the final list may be disclosed until award of the contract. The disclosure of procurement information after award **shall will** be in accordance with the applicable cited section. Additional disclosure may be provided in support of the protest process.
- K. The County may cancel a Request for Qualifications or a Request for Proposals or reject in whole or in part any or all proposals as specified in the solicitation if it is in the best interests of the County. The County **shall must** make the reasons for cancellation or rejection part of the procurement file.

**Section B: Contracts with Consultants on Qualified Consultant Lists for Professional Services Not Exceeding \$250,000 Per Project**

**I. Creation of Qualified Consultants List(s)**

- A. The County desires to introduce competition into the direct selection of consultants under A.R.S. §34-103 for small projects to ensure that only qualified consultants are retained for County projects. Therefore, the Procurement Director may establish, using the following procedures, lists by discipline of the most qualified consultants from among respondents to openly competitive qualifications-based solicitations in accordance with Section A that **shall will** be known as "Qualified Consultants Lists" (**QCL**).
- B. Using the list of work categories in Standard Form 330 (~~Exhibit 1~~), technical registrants as defined in A.R.S. Title 32 and the Rules of the Board of Technical Registration, or other categories approved by the Procurement Director, each ~~a~~Administering ~~d~~Department **shall will** identify the categories of work for which professional services will be retained, estimate the annual dollar amount for each work category identified and submit the information to the Procurement Department.
- C. On such schedule as the Procurement Director determines appropriate, the Procurement Department ~~shall place an advertisement in the official legal newspaper of Pima County~~ will advertise and post the SFQ according to Section A(II) herein requesting SOQs from consultants in one or more disciplines. ~~Notice of the RFQ shall also be made available to interested consultants and all certified SBE firms qualified to perform the types of work listed in the advertisement on the County website.~~ Unless earlier disestablished, an individual **Qualified Consultants List QCL** will expire five (5) years from the date of its most recent competition for a replacement list.

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- D. The **RFQSFQ shall must** state the number (or maximum number) of firms that the County intends to place on the qualified list for each category covered by the **RFQSFQ**.
- E. QCL lists **shall will** be reviewed at least annually to ascertain the extent of use. Lists that are not used or rarely used may be disestablished upon written determination by the Procurement Director that they are no longer needed. For years in which there is sufficient growth in anticipated workload to support a reasonable expectation that additional firms might be assigned work, or in which one or more firms have been eliminated from a specific list for any reason, the Procurement Director may provide a competitive opportunity for additional firms to be added to the list. Individual **Qualified Consultants Lists QCL lists** need not be refreshed in this manner for any year in which little or no additional work is expected.

**II. Competitive Selection Process and Assignment of Consultants to Qualified Consultants Lists QCL**

A. There **shall will** be a **Qualified Consultants List QCL** for each category of work or discipline for which professional services will be retained in sufficient amount to offset participation in the competitive procurement. A solicitation will be issued for each category of work and an evaluation **panel committee** will be convened to evaluate the responses submitted for each category of work.

**AB.** The evaluation **panel committee shall will** be established in accordance with this Policy and the "Evaluation Committee Selection and Administration" ~~p~~Procurement ~~p~~Procedure. Each ~~a~~Administering ~~d~~Department director or designee **shall will** appoint at least one qualified senior staff member to the evaluation **panel committee**. The Procurement Department ~~Commodity/Contracts Officer CCO shall must~~ **shall must** serve as the non-scoring chair of the **panel committee**. No member of the evaluation **panel committee** may have a pecuniary interest in the outcome of the consultant selection process, or be an employee or agent in any capacity to any consultant whose qualifications will be evaluated by the **panel committee**.

1. Statements of Qualifications submitted in response to the **RFQSFQ** will be evaluated in accordance with the provisions of Section A: Qualifications-Based Selection Procedure above. Firms **shall will** be placed on the qualified list in rank order, up to the number specified in the **RFQSFQ**.
2. Evaluation criteria points **shall may** include SBE points as set forth in Pima County Code Chapters 20.04.030 and 20.20.010 and Small Local Business preference points as provided in Chapter 11.12.030 (D).
3. The ~~Commodities/Contracts Officer CCO shall will~~ **shall will** submit the evaluation results and copies of the recommended **Qualified Consultants List QCL** to the Procurement Director who **shall will** review the list and confirm that each consultant meets the County's requirements. Once approved by the Procurement Director, the **Qualified Consultants List QCL** are available to be used by the ~~a~~Administering ~~d~~Departments in the consultant selection process.

**BC.** The information considered and documents generated by the evaluation **panel committee** are

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confidential during the evaluation period. After the ~~Qualified Consultants List QCL~~ has been approved by the Procurement Director, all information considered and documents generated during the evaluation process will be maintained by the Procurement Department as public records.

- D. The Procurement Department **shall will** send the list of Qualified Consultants to each consultant that submitted a qualifications statement and each ~~a~~Administering ~~d~~Department. Consultants that submitted qualifications statements may file a protest regarding any aspect of this consultant selection process within five **(5)** business days after the consultant knew or should have known of the establishment of the ~~Qualified Consultants List QCL~~.
- E. To simplify the contracting process, the Procurement Department may, whenever appropriate, establish an agreement on terms and conditions that incorporates the terms under which services may be ordered, the terms and conditions applicable to such services, and the Consultant's agreed rates. An Administering Department may establish a contract for services by issuing a Delivery Order that incorporates the previously agreed terms and conditions, plus scope and fee for the specific services to be rendered.
- F. The County cannot guarantee that consultants on the ~~Qualified Consultants List QCL~~ will be assigned projects. The County reserves the right to use any approved consultant selection process for any project.

The County may set a maximum fee schedule for professional services.

### III. Selection of Consultants for QCL Projects Not to Exceed \$250,000.

- A. As the need arises, the ~~a~~Administering ~~d~~Department **shall will** prepare a draft scope of work and an estimated budget for the contract. The Administering Department **shall will** set forth the reasons in writing for selection of the particular consultant. Those reasons may include, but not necessarily be limited to, the highest qualified firm for the category or categories of work required, satisfactory performance on similar projects, special skills or experience, or SBE participation. The QCL may be used for federally-funded projects up to the Federal simplified acquisition threshold defined in subpart 2.1 of the Federal Acquisition Regulation, 48 C.F.R. § 2.101, with the approval of the granting agency. For Federally-funded projects, the highest-ranked firm will be selected unless the granting agency approves otherwise.
- B. The selected consultant will be given an opportunity to review the scope of work and prepare a fee estimate. The ~~a~~Administering ~~d~~Department's project manager and the consultant will negotiate a final scope of work and fee. Fees **shall will** be consistent as possible across the consultants on the ~~Qualified Consultants List QCL~~. If the selected consultant is not available to perform the work within the County's cost and time requirements, the Administering Department may terminate negotiations **and initiate negotiations** with another consultant on the ~~Qualified Consultants List QCL~~. The Administering Department may not return to or reopen negotiations with a firm after it has terminated negotiations with that firm.
- C. After agreement on the scope of work and fee, the Administering Department **shall will** establish a

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contract for the work by issuing a Delivery Order under the applicable Master Agreement. The Scope of Work, Fee Agreement, and written explanation for selection of the consultant ~~shall~~ will be attached to the Delivery Order.

**CD.** No consultant ~~shall~~ will be awarded more than \$500,000 per twelve-month period per **Qualified Consultants List QCL**.

E. No individual contract may exceed \$250,000. Projects may not be split to avoid the \$250,000 limit on individual QCL ~~contracts~~ Delivery Orders.

F. Final approval of the contract ~~shall~~ will be in the Procurement Department.

#### **IV. Contract QCL Delivery Order Term and Value**

Each QCL ~~contract~~ Delivery Order ~~shall~~ must be awarded for a term not to exceed one year. The Procurement Director may extend the ~~contract~~ Delivery Order for up to two additional one-year periods to complete the project, but the total ~~contract~~ Delivery Order ~~shall~~ must not exceed \$250,000.

#### **Section C: Direct Selection for Professional Services**

##### **I. Use of Direct Selection Authority under A.R.S. § 34-103**

In certain instances, projects may require a consulting specialty that a consultant on a **Qualified Consultants List QCL** cannot reasonably provide, there may be exigent circumstances, or there may be a consultant available that is possessed of such particular expertise or experience necessary for a particular project that their direct selection would be in the public interest. In this situation, the ~~a~~Administering ~~d~~Department may request the **Board of Supervisors or the** Procurement Director's approval to direct select the recommended consultant. The request ~~shall~~ must set forth the basis for the recommendation. The selection ~~shall~~ must be in accordance with State Law.

##### **II. Limitations on Use of Authority**

This authority may only be used for projects that do not exceed the dollar limits for the direct selection of Architects and Engineers in A.R.S. § 34-103.

#### **Section D: Selection of Procurement Method**

A. The **Qualified Consultants List QCL** ~~shall~~ will be the preferred method for the procurement of consulting services for all projects up to \$250,000.

B. The Qualifications-Based Selection Process in Section A is the preferred method for the procurement of consulting services for all projects in excess of \$250,000.

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- C. Subject to the dollar limitations in A.R.S. § 34-103, Direct Selection may be used in lieu of either A or B above where its use will benefit the County.

## **Section E: Performance Evaluation**

### **I. Non-Design Consulting Contracts**

During the initial phases of a capital or other type of project, Consultants may be retained to perform any number of tasks, such as cultural or geotechnical analyses or biological or environmental assessments that are important to the initiation of a project. Upon completion of any of these non-design consulting tasks that exceed \$50,000, the department's project manager **shall will** evaluate the consultant's performance by completing a Department of Defense Form 2631 (**DD Form 2631, Exhibit 2**) available on the Procurement intranet site. The project manager **shall will** send the completed evaluation form to the Procurement Department Design and Construction Division within 10 business days of the completion of the design or consulting task. The Procurement Department **shall will** send a copy of the form to the consultant who will have ten (10) business days from date of receipt to provide any comments, rebuttals or additional information. If the Consultant does not provide comments within the prescribed time period, the evaluation **shall will** be considered final.

The final evaluation form and the Consultant's response **shall will** be maintained in the Procurement Department to document the consultant's performance on Pima County projects. This information will be applied in accordance with this policy.

**APDM (CMAR and Design Build) Contractor performance must be evaluated by the Department according to this Section by completing a Department of Defense Form 2626 available on the Procurement intranet site after completion (or termination) of each APDM project. Upon completion, the form must be sent to the Procurement Department and attached to the procurement record.**

**Job Order Contractor performance must be evaluated by the Department according to this Section by completing a Department of Defense Form 2626 available on the Procurement intranet site after completion (or termination) of each job order of \$100,000 or more. Upon completion, the form must be sent to the Procurement Department and attached to the job order record.**

### **II. Design Consultants**

- A. Upon completion of a design exceeding \$100,000 associated with a capital project, the department's project manager **shall will** evaluate the consultant's performance by completing a DD2631 and following the process for Non-Design Consulting Tasks.
- B. During construction and other post-design activities, the Department's **PM Project Manager** will track the impact the design has on the work and conduct a final evaluation at the end of construction that takes into account the impact on construction of design errors or omissions, owner requested changes, and changed conditions, including consideration of disruption or delays in construction, the

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number of change orders and additional costs attributable to each, and the consultant's response to design errors and omissions. The Project Manager **shall will** complete a DD Form 2631 in conjunction with project closeout and send a copy to the **Design and Construction Division Procurement Department**.

### III. Using Consultant Evaluations

Completed consultant evaluations will provide an additional source of past performance information in qualifications-based selections and may also be considered as one factor in the selection of Consultants from the **Qualified Consultants List QCL**. All other factors being equal, the Consultant with the better performance history will be higher-ranked. So as not to penalize Consultants that have no prior experience with Pima County in qualifications-based selections, performance evaluations will be given no greater weight than past performance information from other sources, such as references.

## Section F: Alternative Project Delivery Methods (APDM) for Construction Contracts – Contracts for Design Build and Construction Manager at Risk Projects and Job Order Contracting

### I. Purpose

This Policy adds Pima County-specific requirements to the provisions in A.R.S., Title 34, for APDM procurement and contracts.

### II. SBE

- A. APDM Contracts are subject to the requirements of Title 20 of the Pima County **Code**, Small Business Enterprise Code. The Procurement Director **shall will** establish an appropriate goal and procedure for each APDM Contract, unless precluded by Federal participation.
- B. It **shall must** be a requirement in each solicitation for an APDM contract for which a subcontractor selection plan is required under A.R.S. § 34-603 **and 34-604** that the subcontractor selection plan address how the respondent will meet any applicable SBE goal.

### III. Applicable Procedures

#### A. Initiating APDM Procurements

1. Departments desiring to establish an APDM Contract **shall will** submit a requisition to the Procurement Department requesting the establishment of an APDM contract. The request **shall must** be accompanied by the proposed scope of work and must identify the applicable center and fund numbers. The request must identify and explain the basis for the selection of the project delivery method or demonstrate that the delivery method was approved through an Exit Gate proceeding. For Job-Order-Contracts, the request may also propose a maximum amount for individual Job Orders for approval by the Procurement Director.

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2. ~~Any department requesting the establishment of an APDM contract for construction services, the procurement of which~~ The procurement of a Design-Build ADPM contract may obligate the County to pay a stipend, fee, or any other form of compensation for proposal preparation or design to any unsuccessful competitor, **must notify the Board of Supervisors by memorandum of such request at least 30 days prior to the first date of publication of the solicitation. Pursuant to A.R.S. § 34-603(F)(11).**

B. Procurement Procedures

The Procurement Department **shall will** follow the procedures and adhere to the requirements of A.R.S. Title 34 in all respects in the procurement of APDM contracts. Nothing in this Policy **shall will** be deemed to authorize deviation from the requirements of A.R.S. Title 34.

C. Evaluations

1. The Procurement Director and the ~~a~~Administering ~~d~~Department **shall will** agree upon a weighting of the scores to be assigned to each evaluation criterion. The evaluation criteria and relative weights **shall must** be stated in the solicitation. The evaluation **shall must** be conducted under the procedures in Section A: Qualifications-Based Selection Procedure of this Policy.
2. The number and qualifications of the members of the evaluation committee **shall will** be in accordance with the requirements of A.R.S. Title 34, the "Evaluation Committee Selection and Administration" ~~p~~Procurement ~~p~~Procedure and this Policy. The ~~a~~Administering ~~d~~Department **shall will** nominate qualified members to the Evaluation Committee who are subject to approval and appointment by the Procurement Director. An employee of the Procurement Department **shall will** serve as the non-scoring chair of the evaluation committee.
3. For each solicitation for which a subcontractor selection plan is required under A.R.S. §§ 34-603 or 604, the subcontractor selection plan **shall must** be evaluated separately by the Contracts Officer, a representative from the SBE Program, and the Department Program/Project Manager. The score from the subcontractor selection plan evaluation **shall must** be added to the technical evaluation score from the evaluation of proposals to arrive at the total evaluation score.

D. Recommendation for Award

The Procurement Department **shall will** compile and verify the results of the evaluation. Based on the results of the evaluation, the Procurement Director **shall will** prepare the recommendation for award of the contract(s) for APDM construction services.

E. Contracts for APDM Construction Services

To the extent practicable, contracts for APDM construction services **shall will** be based on approved County standard construction contracts. Contracts for APDM construction services **shall must** comply in all respects with the requirements of A.R.S. Title 34.

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~~F. Performance Tracking~~

~~The department shall evaluate the APDM contractor's performance by completing a Performance Evaluation (Construction) form after completion (or termination) of each APDM project. Upon completion, the form shall be sent to the Procurement Department and attached to the procurement record. The Procurement Department will provide the form through its website.~~

**IV. Job Order Contracts**

A. Job Order Contract Type

Job Order Contracts (**JOC**) will normally be multiple-awards with provision for the Job Order Contractors to compete for job orders that exceed the threshold established in the contract. Other structures, such as single-~~award~~ or multi-awards with price book are available with the approval of the Procurement Director.

B. Responsibility

The Director of the ~~department administering a Job Order Contract~~ **Administering Department** is responsible for ensuring that the ~~Job Order Contract~~ (**JOC**) is properly administered and not misused. For example:

- Job orders may not exceed the limit for individual job orders in the contract.
- Jobs may not be split or divided between two (or more) job orders to stay under the job order limit.
- Job orders may not be used to purchase or otherwise acquire equipment or materials of any nature that are not to be used in a construction project performed under the same job order.

Departments desiring to use any ~~Job Order Contract~~ (**JOC**) administered by another department must make arrangements for doing so through the Director of the ~~a~~**Administering d**Department.

C. Bonding

All job orders must be 100% covered by performance and payment bonds issued in the form prescribed in A.R.S. Title 34. The Department Director is responsible for ensuring that each job order has adequate bonding coverage before work **ensues begins** under the job order. If a JOC Contractor bonds on a job order by job order basis, bonds will be scanned and attached to the Delivery Order for the job order to which they pertain. Hardcopy bonds **shall must** be retained in the ~~a~~**Administering d**Department's job order file.



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#### D. Issuing Job Orders

A.R.S. Title 34 requires agreement on price before any work begins. A final negotiated Delivery Order authorizing the scope and the not-to-exceed job order cost must be issued from the County enterprise business system before any work takes place under the job order.

#### E. Job Order Contents

The objective of the job order documents is to provide the contractual basis for the work and payment and ensure transparency, accountability and an auditable transaction. Specifications, bonds, schedules, and other documents or information describing the work and the obligations of the parties **shall must** be scanned and linked to the Delivery Order in the procurement file so that the documents will provide a complete description of the job order. If the documents are too voluminous for scanning and electronic storage, the physical file must be identified in the record. In the case of a job order awarded under a multiple-award job order contract, the documents should contain evidence of the competition conducted to award the job order. Administering Departments are responsible for maintaining job order documents.

#### F. Application of Job Order Limits

The amount that can be awarded in a single job order is limited to either one-million dollars **(\$1,000,000)** or a lesser amount stated in the **Job Order Contract (JOC)**. These limits are strictly enforced. The **PM Project Manager** must assess the risk of changes in a job and limit any associated job order to an amount that will provide reasonable room for changes. Jobs **shall must** not be split to avoid the dollar limitation on job orders or to bring a job within the job order limits to avoid the requirement for competition outside the Job Order Contract.

#### G. Projects Identified in Advance

Where projects are known sufficiently in advance of the required completion date to allow for use of the design-bid-build method of project delivery, departments must consider use of that method. Departments **shall must** periodically bid potential job order projects to provide a basis for comparison with job order contractor pricing and performance. The department must have a basis for comparison to establish the reasonableness of the JOC's pricing before recommending contract renewal.

#### H. ~~JOC Performance Tracking~~

~~Unless otherwise approved by the Procurement Director, the department shall evaluate the job order contractor's performance by completing a Department of Defense Form 2626 (DD Form 2626, Exhibit 3) after completion (or termination) of each job order of \$100,000 or more. Upon completion, the form shall be sent to the Procurement Department and attached to the job order record. The Procurement Department will provide the form through its website. The Contractor's performance and pricing shall be a consideration in determining whether to renew the JOC.~~

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**·IH. Renewals**

Requests to renew JOC contracts must be supported by assurances that the job order contractor has performed satisfactorily and that the job order contractor's work is reasonably priced. **The Contractor's performance and pricing must be a consideration in determining whether to renew the JOC.** The Procurement Department may request and review the supporting evidence underlying the assurances.

**JI. Review**

Departmental use of JOCs is subject to review by the Procurement Department. Departments **shall must** cooperate fully with all such reviews. The Procurement Director, with the approval of the County Administrator, may withdraw, modify or curtail the authority of any department or any staff member of any department that has been determined on the basis of such review to have misapplied, abused or misused a JOC.

**Implementation**

This Policy ~~shall apply~~ **applies** to all solicitations for architectural and engineering related professional services and alternative project delivery method contracts advertised after the revision date below.

The performance evaluation requirements of this Policy are effective on the revision date for all existing and future contracts for A&E or APDM.

Adoption Date:	September 25, 1990
Revised Date:	May 5, 1998
	November 24, 1998
	October 1, 2002
	March 18, 2003
	April x, 2003
	July 11, 2006
	June 15, 2010
	April 1, 2011
	November 19, 2013
	July 7, 2015
	September 5, 2017
Effective Date:	October 1, 2017

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~~EXHIBIT 1  
STANDARD FORM 330 INSTRUCTIONS AND FORM (14 PAGES)~~

~~EXHIBIT 2  
DD FORM 2631 (2 PAGES)~~

~~EXHIBIT 3  
DD FORM 2626 (2 PAGES)~~



**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

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**Purpose**

This policy defines Pima County's process for the selection and contracting of architectural and engineering-related professional services and alternative project delivery methods for all departments. Nothing in this policy will prevent the County from complying with the terms and conditions of any grant, gift, bequest or intergovernmental agreement.

**Policy**

This Policy defines the qualifications-based evaluation process to be used in the acquisition of architectural and engineering services.

This Policy sets forth the process for the creation and use of Qualified Consultants Lists (QCL) for professional services categories. Consultants on these lists may receive contracts for professional services not to exceed \$250,000 per project and \$500,000 per year. Qualified consultants may be on more than one QCL and may enter into more than one contract with the County.

This Policy provides separate processes for acquiring professional services exceeding \$250,000 per project and for categories of work not included in the QCL.

This Policy provides procedures to be used in procuring Alternative Project Delivery Method (APDM) construction services under Chapter 6 of Arizona Revised Statutes (A.R.S.) Title 34.

This Policy implements Ordinance Number 2012-10 which establishes a preference for small, local architectural and engineering firms in the award of County architectural and engineering contracts, unless precluded by Federal participation.

This Policy provides a performance evaluation process which is intended to provide an incentive for Consultants and Contractors to enhance the quality, timeliness, responsiveness, and cost effectiveness of consulting and non-consulting services provided to the County. The performance evaluation completed by the individual departments will be used Countywide in the performance evaluation process.

**Definitions**

**Administering Department** – The department requesting professional or APDM services as defined by this policy and responsible for the day-to-day administration of the contract.

**Alternative Project Delivery Methods (APDM)** – For the purpose of this Policy, the term "alternative project delivery methods" includes design-build, construction manager at risk, and job order contracting as defined in A.R.S. Title 34.

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Local Office – For purposes of this Policy, “local office” means a permanent office located within County for at least two years that employs at least one professional that is a current Arizona Registrant in the discipline proposed and capable of performing the required professional services.

Professional Services – For purposes of this Policy, professional services are consulting services falling within the scope of architectural and/or engineering disciplines covered by “Standard Form 330” (GSA SF 330, available from the United States General Services Administration Forms Library at [www.gsa.gov/forms](http://www.gsa.gov/forms)), technical registrants as defined in A.R.S. Title 32 and the Rules of the Board of Technical Registration, and additional categories defined by the Procurement Director.

**General Provisions**

Emergency acquisition of professional services must be made in accordance with Procurement Code § 11.12.060 and A.R.S. § 34-606.

- Amendments and contracts must be processed in accordance with the Board of Supervisors Policy D 29.4.
- Protests must be handled in accordance with Pima County Procurement Code § 11.20.010.
- The solicitation and award of multiple contracts under a single solicitation issued pursuant to this policy must comply with the requirements of A.R.S. §§ 34-102 and 34-604.
- In certain unique circumstances, projects may require the selection of a consultant in a manner outside the provisions of this policy. With the written approval of the Procurement Director, selection of such consultants will be in accordance with State Law.

**Section A: Qualifications-Based Selection Procedure**

**I. General**

All solicitations and procurements of Architectural and Engineering Services and Alternative Project Delivery Method contracts must comply with the requirements of A.R.S. Title 34.

**II. Advertisement**

The Procurement Department will place a Solicitation for Qualifications (SFQ) advertisement in the official legal newspaper of Pima County, briefly describing the project or projects and specifying the closing date for receipt of the required Statement of Qualifications (SOQ) in accordance with the Publication Requirements Procurement Procedure. The Internet may also be used to notice and distribute documents intended to initiate the procurement process for services. Federally-funded solicitations must also be advertised in accordance with the Publication Requirements Procurement Procedure.

**III. The Solicitation**

- A. The SFQ will include a request for a Statement of Qualifications (SOQ) consisting of:

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1. Standard Form 330, Architect-Engineer Qualifications, or
  2. A qualifications statement based on a questionnaire specifically developed by the requesting department(s), or
  3. Narratives responsive to evaluation criteria or questions stated in the SFQ, or
  4. Any combination of the above.
- B. The SFQ must include a description of the project and scope of work, the number (or maximum number) of firms that the County intends to award, instructions on how to respond, and clearly identify any necessary certifications or other documents that must accompany the response. The SFQ may include an estimated price range for the services. Administrative requirements, such as the number of copies, page limits and related items must be specified.
- C. The SFQ must state a definite location, date and time for submission of SOQ's after which submissions will not be accepted. Inadvertently accepted late submissions will be returned unopened, unless it is necessary to open the submission to identify the respondent.
- D. The SFQ must clearly identify the evaluation criteria and their relative weight. Subcriteria with relative weights may be used to further clarify main criteria. Subcriteria stated without relative weights are presumed to be equal in value and must be applied in that manner.

#### **IV. Selection Procedure**

- A. Selection will be based on an evaluation of the SOQ using the evaluation criteria published in the SFQ and may include interviews. The selection process for professional services, other than architectural services, not exceeding \$500,000, or for professional architect services not exceeding \$250,000, may include the evaluation of interviews with the competing consultants if the solicitation provided for interviews. Interviews are required for professional services projects over \$500,000, and for architect services in excess of \$250,000, but may be waived with the approval of the Procurement Director. The evaluation criteria and relative weights must be stated in the solicitation.
- B. 1. A competent evaluation committee must be established in accordance with this Policy and the Evaluation Committee Selection and Administration Procurement Procedure. For contracts expected to exceed \$2,000,000 in value, the evaluation committee will, if practicable, have seven (7) members comprised of four (4) members nominated by the department director, two (2) members from other departments or jurisdictions, and one (1) member from a qualified professional services firm. For APDM, the private sector representative on the committee must be a senior management official from a licensed contractor.
2. For QCL, the evaluation committee will have at least three (3) members (not including the Chair), including, if practicable, at least one (1) member from a qualified professional services firm not participating in the procurement. Additional representatives from qualified professional services firms may be added to committees or substituted for department or other public members, subject to the limitation that an evaluation committee for APDM may not exceed seven members unless in compliance with A.R.S. §§ 34-603(C)(3) and 34-604(C)(3).

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3. All committee members must possess the technical qualifications, experience and competence necessary for the evaluation, such determination to be at the sole discretion of the Procurement Director. Direct supervisor-employee relationships between or among evaluation committee members are not allowable unless approved in writing by the Procurement Director. All committee members must execute a no-conflict and confidentiality statement before serving on a committee according to the Evaluation Committee Selection and Administration Procurement Procedure.
4. Appointees from outside Pima County will not receive compensation for performing this service; however, the Administering Department may elect to reimburse outside appointees for travel and lodging expenses incurred in connection with service on the evaluation committee. The Procurement Director will appoint the evaluation committee members and a Procurement Department Commodity/Contracts Officer (CCO) must serve as the non-scoring chair of the committee. No individual employed by any of the competitors within the twelve (12) months preceding the beginning of the selection process may participate as an evaluator for Pima County.

- C. Evaluation criteria points may include Small Business Enterprise (SBE) points as set forth in Pima County Code Chapter 20.04.030 and 20.20.010 and Small Local Business preference points as set forth in Pima County Code Chapter 11.12.030.D, for architectural and engineering services procurements. Notice of the preference(s) must be included prominently in the SFQ.

Neither SBE nor Small Local Business preference points may be applied in a Federally-funded competitive solicitation for a contract that exceeds or will exceed the Federal simplified acquisition threshold (SAT) defined in subpart 2.1 of the Federal Acquisition Regulation, 48 C.F.R. § 2.101. With the approval of the granting agency, SBE and Small Local Business preference points may be applied in a Federally-funded competitive qualifications-based procurement for a contract that will not exceed the SAT.

- D. SOQs must be assessed for compliance with the administrative requirements of the solicitation (responsive and responsible, debarment verification, addenda acknowledgment, contract acceptance, signature, etc.) before being transmitted to the selection committee for evaluation. Responses that do not conform to the administrative requirements must be rejected and not evaluated.
- E. Evaluation committee members will independently score the SOQs using only the criteria stated in the solicitation. The scores must be in whole numbers and must be accompanied by explanatory comments supporting the score. The evaluation committee members will provide their scores and comments to the committee Chair who will collate the scores. If no interviews are held, the rank order of the respondents will be determined by the average of their evaluation scores on the written submission, with the firm having the highest average score (including applicable SBE and Small Local Business preference points) being the highest ranked. To avoid the loss of information in the case of close scores, averages will be computed to two decimal places.
- F. If interviews are to be held, the Procurement Director will extend the invitation for interviews to respondents in accordance with A.R.S. §§ 34-603 and 34-604(C)(2)(c)(i). Firms to be interviewed must be provided with specific questions, issues or topics to address in the interview and advised of the specific criteria applicable to the interviews in the invitation, unless the criteria are stated in the

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solicitation. The number of firms specified in the solicitation receiving the highest scores on the evaluation of the Statements of Qualifications will be invited to participate. Interviews must be scored based only on the applicable criteria and relative weight. Scores must be in whole numbers and must be accompanied by explanatory comments supporting the score. The interview score and written score may be differently weighted in determining final rank order, with the respondent with the highest average score (including applicable SBE and Small Local Business preference points) being the highest ranked. To avoid the loss of information in the case of close scores, averages will be computed to two decimal places.

- G. If the difference between the scores of respondents intended for award is less than one percent (1%) of the total available points, the evaluation will be presented to the Procurement Director for approval and/or direction.
- H. If the scores for two (2) or more respondents are tied and one respondent maintains a local office, the respondent maintaining the local office will be ranked higher. If both firms maintain local offices and one of the firms is a local Tucson firm not affiliated with a national firm, then the latter will be higher ranked. If both firms maintain local offices and are not affiliated with a national firm, committee consensus or the use of the Procurement Department Tie-breaker Procedure may be used to determine final award.
- I. After the evaluation team selects the final list, negotiations may be initiated with the highest-ranked firm, subject to the Procurement Director's prior approval of the selection of the final list if required under "G" above. If an agreement cannot be reached with the highest-ranked firm, the Procurement Department will terminate negotiations with that firm and proceed to negotiate with the next ranked firm until the final list is exhausted. If an agreement is reached, the completed contract must be presented to the Board of Supervisors for Award. Once negotiations are terminated with any firm, that firm may no longer be considered, nor may negotiations be reopened with that firm.
- J. In accordance with A.R.S. §§ 34-603(H) and 604(H) only the names of the firms on the final list may be disclosed until award of the contract. The disclosure of procurement information after award will be in accordance with the applicable cited section. Additional disclosure may be provided in support of the protest process.
- K. The County may cancel a Request for Qualifications or a Request for Proposals or reject in whole or in part any or all proposals as specified in the solicitation if it is in the best interests of the County. The County must make the reasons for cancellation or rejection part of the procurement file.

**Section B: Contracts with Consultants on Qualified Consultant Lists for Professional Services Not Exceeding \$250,000 Per Project**

**I. Creation of Qualified Consultants List(s)**

- A. The County desires to introduce competition into the direct selection of consultants under A.R.S. § 34-103 for small projects to ensure that only qualified consultants are retained for County projects. Therefore, the Procurement Director may establish, using the following procedures, lists by discipline of the most qualified consultants from among respondents to openly competitive qualifications-based solicitations in accordance with Section A that will be known as "Qualified Consultants Lists" (QCL).



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- B. Using the list of work categories in Standard Form 330, technical registrants as defined in A.R.S. Title 32 and the Rules of the Board of Technical Registration, or other categories approved by the Procurement Director, each Administering Department will identify the categories of work for which professional services will be retained, estimate the annual dollar amount for each work category identified and submit the information to the Procurement Department.
- C. On such schedule as the Procurement Director determines appropriate, the Procurement Department will advertise and post the SFQ according to Section A(II) herein requesting SOQs from consultants in one or more disciplines. Unless earlier disestablished, an individual QCL will expire five (5) years from the date of its most recent competition for a replacement list.
- D. The SFQ must state the number (or maximum number) of firms that the County intends to place on the qualified list for each category covered by the SFQ.
- E. QCL lists will be reviewed at least annually to ascertain the extent of use. Lists that are not used or rarely used may be disestablished upon written determination by the Procurement Director that they are no longer needed. For years in which there is sufficient growth in anticipated workload to support a reasonable expectation that additional firms might be assigned work, or in which one or more firms have been eliminated from a specific list for any reason, the Procurement Director may provide a competitive opportunity for additional firms to be added to the list. Individual QCL lists need not be refreshed in this manner for any year in which little or no additional work is expected.

**II. Competitive Selection Process and Assignment of Consultants to QCL**

- A. There will be a QCL for each category of work or discipline for which professional services will be retained in sufficient amount to offset participation in the competitive procurement. A solicitation will be issued for each category of work and an evaluation committee will be convened to evaluate the responses submitted for each category of work.
- B. The evaluation committee will be established in accordance with this Policy and the Evaluation Committee Selection and Administration Procurement Procedure. Each Administering Department director or designee will appoint at least one qualified senior staff member to the evaluation committee. The Procurement Department CCO must serve as the non-scoring chair of the committee. No member of the evaluation committee may have a pecuniary interest in the outcome of the consultant selection process, or be an employee or agent in any capacity to any consultant whose qualifications will be evaluated by the committee.
  1. Statements of Qualifications submitted in response to the SFQ will be evaluated in accordance with the provisions of Section A: Qualifications-Based Selection Procedure above. Firms will be placed on the qualified list in rank order, up to the number specified in the SFQ.
  2. Evaluation criteria points may include SBE points as set forth in Pima County Code Chapters 20.04.030 and 20.20.010 and Small Local Business preference points as provided in Chapter 11.12.030 (D).

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3. The CCO will submit the evaluation results and copies of the recommended QCL to the Procurement Director who will review the list and confirm that each consultant meets the County's requirements. Once approved by the Procurement Director, the QCL are available to be used by the Administering Departments in the consultant selection process.
- C. The information considered and documents generated by the evaluation committee are confidential during the evaluation period. After the QCL has been approved by the Procurement Director, all information considered and documents generated during the evaluation process will be maintained by the Procurement Department as public records.
  - D. The Procurement Department will send the list of Qualified Consultants to each consultant that submitted a qualifications statement and each Administering Department. Consultants that submitted qualifications statements may file a protest regarding any aspect of this consultant selection process within five (5) business days after the consultant knew or should have known of the establishment of the QCL.
  - E. To simplify the contracting process, the Procurement Department may, whenever appropriate, establish an agreement on terms and conditions that incorporates the terms under which services may be ordered, the terms and conditions applicable to such services, and the Consultant's agreed rates. An Administering Department may establish a contract for services by issuing a Delivery Order that incorporates the previously agreed terms and conditions, plus scope and fee for the specific services to be rendered.
  - F. The County cannot guarantee that consultants on the QCL will be assigned projects. The County reserves the right to use any approved consultant selection process for any project.

The County may set a maximum fee schedule for professional services.

**III. Selection of Consultants for QCL Projects Not to Exceed \$250,000.**

- A. As the need arises, the Administering Department will prepare a draft scope of work and an estimated budget for the contract. The Administering Department will set forth the reasons in writing for selection of the particular consultant. Those reasons may include, but not necessarily be limited to, the highest qualified firm for the category or categories of work required, satisfactory performance on similar projects, special skills or experience, or SBE participation. The QCL may be used for federally-funded projects up to the Federal simplified acquisition threshold defined in subpart 2.1 of the Federal Acquisition Regulation, 48 C.F.R. § 2.101, with the approval of the granting agency. For Federally-funded projects, the highest-ranked firm will be selected unless the granting agency approves otherwise.
- B. The selected consultant will be given an opportunity to review the scope of work and prepare a fee estimate. The Administering Department's project manager and the consultant will negotiate a final scope of work and fee. Fees will be consistent as possible across the consultants on the QCL. If the selected consultant is not available to perform the work within the County's cost and time requirements, the Administering Department may terminate negotiations and initiate negotiations with another consultant on the QCL. The Administering Department may not return to or reopen negotiations with a firm after it has terminated negotiations with that firm.

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- C. After agreement on the scope of work and fee, the Administering Department will establish a contract for the work by issuing a Delivery Order under the applicable Master Agreement. The Scope of Work, Fee Agreement, and written explanation for selection of the consultant will be attached to the Delivery Order.
- D. No consultant will be awarded more than \$500,000 per twelve-month period per QCL.
- E. No individual contract may exceed \$250,000. Projects may not be split to avoid the \$250,000 limit on individual QCL Delivery Orders.
- F. Final approval of the contract will be in the Procurement Department.

**IV. QCL Delivery Order Term and Value**

Each QCL Delivery Order must be awarded for a term not to exceed one year. The Procurement Director may extend the Delivery Order for up to two additional one-year periods to complete the project, but the total Delivery Order must not exceed \$250,000.

**Section C: Direct Selection for Professional Services**

**I. Use of Direct Selection Authority under A.R.S. § 34-103**

In certain instances, projects may require a consulting specialty that a consultant on a QCL cannot reasonably provide, there may be exigent circumstances, or there may be a consultant available that is possessed of such particular expertise or experience necessary for a particular project that their direct selection would be in the public interest. In this situation, the Administering Department may request the Board of Supervisors or the Procurement Director's approval to direct select the recommended consultant. The request must set forth the basis for the recommendation. The selection must be in accordance with State Law.

**II. Limitations on Use of Authority**

This authority may only be used for projects that do not exceed the dollar limits for the direct selection of Architects and Engineers in A.R.S. § 34-103.

**Section D: Selection of Procurement Method**

- A. The QCL will be the preferred method for the procurement of consulting services for all projects up to \$250,000.
- B. The Qualifications-Based Selection Process in Section A is the preferred method for the procurement of consulting services for all projects in excess of \$250,000.
- C. Subject to the dollar limitations in A.R.S. § 34-103, Direct Selection may be used in lieu of either A or B above where its use will benefit the County.

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## **Section E: Performance Evaluation**

### **I. Non-Design Consulting Contracts**

During the initial phases of a capital or other type of project, Consultants may be retained to perform any number of tasks, such as cultural or geotechnical analyses or biological or environmental assessments that are important to the initiation of a project. Upon completion of any of these non-design consulting tasks that exceed \$50,000, the department's project manager will evaluate the consultant's performance by completing a Department of Defense Form 2631 (DD Form 2631) available on the Procurement intranet site. The project manager will send the completed evaluation form to the Procurement Department Design and Construction Division within 10 business days of the completion of the design or consulting task. The Procurement Department will send a copy of the form to the consultant who will have ten (10) business days from date of receipt to provide any comments, rebuttals or additional information. If the Consultant does not provide comments within the prescribed time period, the evaluation will be considered final.

The final evaluation form and the Consultant's response will be maintained in the Procurement Department to document the consultant's performance on Pima County projects. This information will be applied in accordance with this policy.

APDM (CMAR and Design Build) Contractor performance must be evaluated by the Department according to this Section by completing a Department of Defense Form 2626 available on the Procurement intranet site after completion (or termination) of each APDM project. Upon completion, the form must be sent to the Procurement Department and attached to the procurement record.

Job Order Contractor performance must be evaluated by the Department according to this Section by completing a Department of Defense Form 2626 available on the Procurement intranet site after completion (or termination) of each job order of \$100,000 or more. Upon completion, the form must be sent to the Procurement Department and attached to the job order record.

### **II. Design Consultants**

- A. Upon completion of a design exceeding \$100,000 associated with a capital project, the department's project manager will evaluate the consultant's performance by completing a DD2631 and following the process for Non-Design Consulting Tasks.
- B. During construction and other post-design activities, the Department's Project Manager will track the impact the design has on the work and conduct a final evaluation at the end of construction that takes into account the impact on construction of design errors or omissions, owner requested changes, and changed conditions, including consideration of disruption or delays in construction, the number of change orders and additional costs attributable to each, and the consultant's response to design errors and omissions. The Project Manager will complete a DD Form 2631 in conjunction with project closeout and send a copy to the Procurement Department.

### **III. Using Consultant Evaluations**

Completed consultant evaluations will provide an additional source of past performance information in qualifications-based selections and may also be considered as one factor in the selection of Consultants

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from the QCL. All other factors being equal, the Consultant with the better performance history will be higher-ranked. So as not to penalize Consultants that have no prior experience with Pima County in qualifications-based selections, performance evaluations will be given no greater weight than past performance information from other sources, such as references.

**Section F: Alternative Project Delivery Methods (APDM) for Construction Contracts – Contracts for Design Build and Construction Manager at Risk Projects and Job Order Contracting**

**I. Purpose**

This Policy adds Pima County-specific requirements to the provisions in A.R.S. Title 34, for APDM procurement and contracts.

**II. SBE**

- A. APDM Contracts are subject to the requirements of Title 20 of the Pima County Small Business Enterprise Code. The Procurement Director will establish an appropriate goal and procedure for each APDM Contract, unless precluded by Federal participation.
- B. It must be a requirement in each solicitation for an APDM contract for which a subcontractor selection plan is required under A.R.S. §§ 34-603 and 34-604 that the subcontractor selection plan address how the respondent will meet any applicable SBE goal.

**III. Applicable Procedures**

A. Initiating APDM Procurements

- 1. Departments desiring to establish an APDM Contract will submit a requisition to the Procurement Department requesting the establishment of an APDM contract. The request must be accompanied by the proposed scope of work and must identify the applicable center and fund numbers. The request must identify and explain the basis for the selection of the project delivery method or demonstrate that the delivery method was approved through an Exit Gate proceeding. For Job-Order-Contracts, the request may also propose a maximum amount for individual Job Orders for approval by the Procurement Director.
- 2. The procurement of a Design-Build ADPM contract may obligate the County to pay a stipend, fee, or any other form of compensation for proposal preparation or design to any unsuccessful competitor, Pursuant to A.R.S. § 34-603(F)(11).

B. Procurement Procedures

The Procurement Department will follow the procedures and adhere to the requirements of A.R.S. Title 34 in all respects in the procurement of APDM contracts. Nothing in this Policy will be deemed to authorize deviation from the requirements of A.R.S. Title 34.

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C. Evaluations

1. The Procurement Director and the Administering Department will agree upon a weighting of the scores to be assigned to each evaluation criterion. The evaluation criteria and relative weights must be stated in the solicitation. The evaluation must be conducted under the procedures in Section A: Qualifications-Based Selection Procedure of this Policy.
2. The number and qualifications of the members of the evaluation committee will be in accordance with the requirements of A.R.S. Title 34, the Evaluation Committee Selection and Administration Procurement Procedure and this Policy. The Administering Department will nominate qualified members to the Evaluation Committee who are subject to approval and appointment by the Procurement Director. An employee of the Procurement Department will serve as the non-scoring chair of the evaluation committee.
3. For each solicitation for which a subcontractor selection plan is required under A.R.S. § 34-603 or 604, the subcontractor selection plan must be evaluated separately by the Contracts Officer, a representative from the SBE Program, and the Department Program/Project Manager. The score from the subcontractor selection plan evaluation must be added to the technical evaluation score from the evaluation of proposals to arrive at the total evaluation score.

D. Recommendation for Award

The Procurement Department will compile and verify the results of the evaluation. Based on the results of the evaluation, the Procurement Director will prepare the recommendation for award of the contract(s) for APDM construction services.

E. Contracts for APDM Construction Services

To the extent practicable, contracts for APDM construction services will be based on approved County standard construction contracts. Contracts for APDM construction services must comply in all respects with the requirements of A.R.S. Title 34.

**IV. Job Order Contracts**

A. Job Order Contract Type

Job Order Contracts (JOC) will normally be multiple-awards with provision for the Job Order Contractors to compete for job orders that exceed the threshold established in the contract. Other structures, such as single or multi-awards with price book are available with the approval of the Procurement Director.

B. Responsibility

The Director of the Administering Department is responsible for ensuring that the (JOC) is properly administered and not misused. For example:

- Job orders may not exceed the limit for individual job orders in the contract.

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- Jobs may not be split or divided between two (or more) job orders to stay under the job order limit.
- Job orders may not be used to purchase or otherwise acquire equipment or materials of any nature that are not to be used in a construction project performed under the same job order.

Departments desiring to use any (JOC) administered by another department must make arrangements for doing so through the Director of the Administering Department.

**C. Bonding**

All job orders must be 100% covered by performance and payment bonds issued in the form prescribed in A.R.S. Title 34. The Department Director is responsible for ensuring that each job order has adequate bonding coverage before work begins under the job order. If a JOC Contractor bonds on a job order by job order basis, bonds will be scanned and attached to the Delivery Order for the job order to which they pertain. Hardcopy bonds must be retained in the Administering Department's job order file.

**D. Issuing Job Orders**

A.R.S. Title 34 requires agreement on price before any work begins. A final negotiated Delivery Order authorizing the scope and the not-to-exceed job order cost must be issued from the County enterprise business system before any work takes place under the job order.

**E. Job Order Contents**

The objective of the job order documents is to provide the contractual basis for the work and payment and ensure transparency, accountability and an auditable transaction. Specifications, bonds, schedules, and other documents or information describing the work and the obligations of the parties must be scanned and linked to the Delivery Order in the procurement file so that the documents will provide a complete description of the job order. If the documents are too voluminous for scanning and electronic storage, the physical file must be identified in the record. In the case of a job order awarded under a multiple-award job order contract, the documents should contain evidence of the competition conducted to award the job order. Administering Departments are responsible for maintaining job order documents.

**F. Application of Job Order Limits**

The amount that can be awarded in a single job order is limited to either one-million dollars (\$1,000,000) or a lesser amount stated in the (JOC). These limits are strictly enforced. The Project Manager must assess the risk of changes in a job and limit any associated job order to an amount that will provide reasonable room for changes. Jobs must not be split to avoid the dollar limitation on job orders or to bring a job within the job order limits to avoid the requirement for competition outside the Job Order Contract.

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G. Projects Identified in Advance

Where projects are known sufficiently in advance of the required completion date to allow for use of the design-bid-build method of project delivery, departments must consider use of that method. Departments must periodically bid potential job order projects to provide a basis for comparison with job order contractor pricing and performance. The department must have a basis for comparison to establish the reasonableness of the JOC's pricing before recommending contract renewal.

H. Renewals

Requests to renew JOC contracts must be supported by assurances that the job order contractor has performed satisfactorily and that the job order contractor's work is reasonably priced. The Contractor's performance and pricing must be a consideration in determining whether to renew the JOC. The Procurement Department may request and review the supporting evidence underlying the assurances.

I. Review

Departmental use of JOCs is subject to review by the Procurement Department. Departments must cooperate fully with all such reviews. The Procurement Director, with the approval of the County Administrator, may withdraw, modify or curtail the authority of any department or any staff member of any department that has been determined on the basis of such review to have misapplied, abused or misused a JOC.

**Implementation**

This Policy applies to all solicitations for architectural and engineering related professional services and alternative project delivery method contracts advertised after the revision date below.

The performance evaluation requirements of this Policy are effective on the revision date for all existing and future contracts for A&E or APDM.

Adoption Date:	September 25, 1990
Revised Date:	May 5, 1998
	November 24, 1998
	October 1, 2002
	March 18, 2003
	April x, 2003
	July 11, 2006
	June 15, 2010
	April 1, 2011
	November 19, 2013
	July 7, 2015
	September 5, 2017
Effective Date:	October 1, 2017





**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

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**I. Mission Statement**

The Pima County Procurement Department, acting as the central public purchasing authority for Pima County, **shall will** endeavor as its primary mandate to conserve public funds and conduct the procurement process in a fair, open, competitive, and ethical manner, within the provisions of applicable Arizona Revised Statutes (**A.R.S.**) and the County Procurement Code, in the best interest of Pima County.

**II. Purpose**

The purpose of this Policy is:

- A. To provide guidelines and clarification for implementation of the Procurement Code and to **assure ensure** all procurements are carried out within the mandates of Arizona law and the County Code.
- B. To permit and give direction to the continued development of procurement procedures and practices.
- C. To make as consistent as possible the procurement practices of various Pima County departments.
- D. To provide for increased public confidence in the practices followed in public procurement.
- E. To identify and provide direction on County Procurement rules, including State law, Pima County Code, Board of Supervisors Policies and Procurement **p**rocedures regarding:
  - Authority and Responsibility of the Procurement Director
  - Competitive Procurement and Recommendations for Award
  - Conditions for Emergency, Limited Competition and No Substitute/Sole Source **p**rocurments
  - Acceptance of Gifts and Rebates from Vendors/**C**ontractors
  - Conflict of Interest
  - Handling of Confidential or Proprietary Vendors/**C**ontractors Information
  - Development of Specifications and **a**Application of Sustainability **i**nitiatives
  - Vendor/**C**ontractor relations, including Small & Local Businesses
- F. To promote cooperative, interactive, interdepartmental relations that **assure ensure** the timely and cost-effective acquisition of supplies, equipment and services.

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G. To ~~assure~~ **ensure** the highest level of ethical conduct in all business transactions.

**III. Applicability**

- A. This Policy applies to all procurements initiated after the effective date of its adoption by the Board of Supervisors.
- B. This Policy applies to every expenditure of public funds for procurement, including, but not limited to, assistance monies, grant monies or other monies funneled through Pima County or any agency of Pima County. Nothing in this Policy or in procedures promulgated under this Policy ~~shall~~ will prevent any Pima County agency or department from complying with the terms and conditions of any grant, gift, bequest or cooperative agreement.
- C. This Policy ~~shall apply~~ **applies** to all Pima County personnel associated in any way with the requisitioning or acquisition of any supplies, equipment or services.

**IV. Authority of the Procurement Director**

- A. The Procurement Director ~~shall have~~ **has** authority to:
  - 1. Exercise authority set forth in the Procurement Code.
  - 2. Promulgate procurement procedures, covering procurement practices and requirements consistent with ~~Arizona Revised Statute A.R.S.~~, the Procurement Code and the Board of Supervisors Policies.
  - 3. Make sourcing decisions and awards on all procurements with a value of \$250,000 or less per year for a maximum contract term of 5 years.
  - 4. Dispose of surplus personal property pursuant to A.R.S. §11-251(9) and (56). Surplus equipment and materials that have little or no value or are unauctionable items ~~shall will~~ be made available to local charitable organizations at no charge. Items which are determined to have sufficient value ~~shall must~~ be saved for use by various County departments, auctioned, or otherwise disposed of as deemed appropriate by the Procurement Director.
  - 5. Make determinations of contractor responsibility.
  - 6. Terminate for Convenience or Cause contracts executed by the Procurement Director.
- B. Except as herein provided, no person ~~shall will~~ purchase or make any contract within the scope of this policy other than through the Procurement Department and any purchase order or contract made contrary to the provisions hereof ~~shall will~~ not be approved by Pima County.

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**V. Responsibility of the Procurement Director**

The Procurement Director ~~shall~~will:

- A. Report directly to the County Administrator or designee.
- B. Develop and implement procedures that ~~assure~~ ensure compliance with the Pima County Procurement Code, Board of Supervisors Policies, and with the relevant provisions of ~~the~~ A.R.S.
- C. Serve as Procurement Agent for Pima County.
- D. Where cost-effective, centralize procurement of all supplies, equipment, and services for all Pima County departments.
- E. Prepare, advertise, and issue solicitations, including through use of electronic documents and systems, and ~~insure~~ ensure that the selection process is in compliance with this policy, procedures, the Procurement Code, and A.R.S.
- F. Facilitate the development of specifications for annual contracts for materials, supplies, equipment and contractual services.
- G. Evaluate solicitation responses and make recommendations for an award to the Board of Supervisors, as required.
- H. Issue procurement and purchasing agreement documents, including electronic documents, such as master agreements, purchase orders and contracts for materials and services pursuant to procedures set forth in Board of Supervisors Policy D 29.4.
- I. Review all Pima County contracts and either sign or prepare for Board of Supervisors approval according to authorized value pursuant to Board of Supervisors Policy D 29.4.
- J. Maintain a centralized contract file and retrieval system for all Pima County contracts.
- K. Maintain a vendor file, and encourage and assist vendors in competing for Pima County business.
- L. Coordinate the disposal of Pima County's surplus and obsolete materials and equipment.
- M. Review all purchases that do not conform to the Board of Supervisors policy, and either approve or deny the purchase.
- N. Ensure that:

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1. The needed quantity of supplies, equipment and service are procured in the most advantageous manner for Pima County, subject to funding limitations.
2. Full and open competition is encouraged on all purchases.
3. All applicable policies, procedures, rules, laws and regulations are complied with.
4. Current developments in the purchasing profession, benefits of research on products, new products, market trends, trade associations and technical societies are utilized to assist Pima County in maintaining a more efficient and cost-effective system of purchasing.
5. The Procurement Department is responsive to the needs of the various departments.

**VI. Competitive Procurement**

The Pima County Procurement Department ~~shall will insure~~ **ensure** that a competitive environment exists for all Procurements. The following **shall** apply:

- A. All applicable policies, procedures, rules, laws and the Procurement Code **shall must** be followed in all solicitation activities.
- B. Responses **shall will** be opened in accordance with the Procurement Code by the Procurement Director or the delegated representative.
- C. The Procurement Director **shall will** tabulate and analyze the responses received in answer to the solicitation, and in conjunction with the requisitioning department, **shall will** verify that the responses meet specifications.

**VII. Recommendations for Award**

The Procurement Director ~~shall will~~ prepare and post notice of recommendations for award on all formally advertised solicitations.

- A. If the requesting department finds the low bid or highest scoring proposal ~~is~~ acceptable, the Procurement Director **shall will** prepare a notice of recommendation for award to the low bid or highest scoring proposal.
- B. Except for procurements conducted under **A.R.S. Title 34 of the Arizona Revised Statutes**, if the requesting department finds the low bid or highest scoring proposal unacceptable, it will submit justification for award to other than **the** low bid or highest scoring proposal to the Procurement Director. The Procurement Director will convene a meeting with representatives of the requesting department, the County Attorney's Office, and the cognizant buyer to review the bid evaluation and prepare a notice of recommendation for award based upon:

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1. Conformance to specifications,
2. Intended use,
3. Best interest of Pima County,
4. Legal considerations,
5. Procedural requirements, and
6. Ethical considerations.

- C. The Procurement Director may award all solicitations for amounts of \$250,000 or less per year. Bid awards more than \$250,000 per year **shall must** be made by official action of the Board of Supervisors.
- D. The Clerk of the Board **shall will** notify the Procurement Department of such Board **of Supervisors** action.

**VIII. Emergency and other Limited Competition Procurement**

Emergency **and other limited competition** procurement **shall must** be conducted in accordance with ~~the~~ Procurement Code Section 11.12.060.

**IX. No Substitute Procurements**

- A. When the needs of a department can only be met by a particular product or service, the department **shall will** submit justification in writing to the Procurement Director that a "no substitute procurement" is required. Such justification **shall must** include a full and detailed explanation as to why no other make, model, etc., will satisfy the needs of the County.
- B. Upon approval by the Procurement Director, the buyer will proceed to seek maximum competition for the item in accordance with normal procurement procedure.
- C. Examples of no substitute procurement include, but are not limited to:
1. Replacement parts or accessories for a specific piece of equipment.
  2. Specific chemicals or compounds to obtain a desired result or to sustain a warranty on specific equipment.
  3. Color, composition and other attributes must be an exact match to existing installations.
  - 4. Equipment that is defined as a part of a department's standardization plan.**
- D. This provision does not apply to procurements governed by A.R.S. Title 34.

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**X. Sole Source Procurement**

A sole source contract may be awarded for materials or services without competition in accordance with ~~the~~ Procurement Code Sections 11.12.050. This provision does not apply to construction governed by A.R.S. Title 34.

**XI. County Attorney Approval of Contracts**

Contracts **shall must** be approved as to form by the County Attorney before being submitted to the Contractor or the Board of Supervisors for approval, per Board **of Supervisors** Policy D 29.4.

**XII. Gifts and Rebates**

- A. All officers and employees of the County are expressly prohibited from accepting any gift, rebate, money or remuneration of any kind from any person, firm, company or corporation to which any purchase order or contract is or may be awarded.
- B. Gifts received are to be returned to the suppliers immediately with a letter explaining Pima County's policy.
- C. This prohibition does not apply to minor promotional items such as calendars, pens, paperweights, etc., which have little or no value.

**XIII. Conflict of Interest**

- A. Per A.R.S. § 38-501 *et. seq.*, any Pima County officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of Pima County **shall must** make the interest known **in via** the County's official records; and **shall must** refrain from any participation in any capacity in the contract sale, purchase, service, or decision.
- B. Any officer or employee who has, or whose relative has a substantial interest in any contract, sale, purchase, service or decision of Pima County **shall must**:
  - 1. Pursuant to County department procedures, make known that interest in the file maintained by the Clerk of the Board, and/or the Finance Department; and
  - 2. Refrain from voting or participating in any manner in the contract, sale, purchase, service or decision.
- C. Notwithstanding compliance with these requirements, an employee or employee's relative with a substantial interest may not supply equipment, materials, supplies or services to Pima County unless pursuant to an award or contract let after public competitive bidding in compliance with the Pima County Procurement Code, Board of Supervisors Polices, and Procurement Procedures.

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- D. ~~Matters of determination regarding substantial interest shall be determined~~ **Determination regarding substantial interest will be made** in consultation with the Pima County Attorney's office, the County Administrator, the Procurement Director, Finance/Risk Management and the Department Head.

**XIV. Specifications: Supplies, Equipment and Services**

- A. Specifications for supplies, equipment, materials and services **shall must** be as generic as possible to encourage maximum competition on all Pima County procurements.
1. All specifications **shall must** describe Pima County's requirements in a manner that does not unnecessarily exclude a material, service or construction item. Notwithstanding this requirement, County Departments, when applicable, **shall must** incorporate the objectives of **BOS Board of Supervisors** Resolution 2007-84 into any set of specifications for the procurement of supplies, equipment and services.
  2. Proprietary specifications **shall must** not be used unless the Procurement Director determines that such specifications are required by demonstrable technological justification and that ~~is it is~~ not practicable or advantageous to use a less restrictive specification. Past success in the material's performance, traditional purchasing practices, or inconvenience of preparing specifications do not justify the use of proprietary specifications.
- B. To the extent practicable, Pima County **shall must** use accepted commercial specifications and **shall must** procure standard commercial materials.
- C. Specifications must reflect the product which will reasonably perform the required function. Specifications should be stated in terms of minimum acceptable or acceptable ranges wherever possible. Absolutes are to be avoided unless they are essential. Excessive specifications are not in the best interest of the County.

To the extent practicable, specifications **shall must** be developed in a manner that optimizes the achievement of the sustainability initiatives in Resolution No. 2007-84.

- D. Sustainable Community Preference.

Procurement solicitations utilizing qualitative criteria to evaluate proposals **shall must** include criteria, with a weighting of not more than 5% of the total possible score, that recognize and consider the relative magnitude by which each proposal advances the sustainability initiatives of Resolution No. 2007-84. The evaluation and scoring of proposals for this criteria **shall must** give relative preference to the proposal that best optimizes achievement of the initiatives as determined by the evaluation committee. The evaluation may include and not be limited to: (1) the resource extraction and manufacturing processes utilized; (2) distance and type of transportation required; (3) life-cycle costs; (4) amount of waste generated; (5) the recyclable content of the product, the product's capacity to be recycled or reused, and the product and packaging "take-back" policies of the manufacturer or distributor; (6) energy and water

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efficiency; and (7) socioeconomic benefits to Pima County which may include preference to firms that are located within Pima County.

**XV. Small Business Enterprises (SBE) Participation**

It is the policy of the Pima County Procurement Department to promote participation by Small Business Enterprises in County contracts.

- A. The Procurement Department **shall will** develop and implement procedures that **assure ensure** compliance with the County SBE Ordinance, Title 20 Pima County Code.
- B. The Procurement Department will advise all vendors/**contractors** of the County SBE Ordinance and the corresponding rules and procedures.

**XVI. Withdrawal or Modification of Bids/Proposals**

A bidder/respondent may withdraw or modify its' bid/proposal only in accordance with the County Procurement Code Section 11.12.010 G.

**XVII. Business Opportunities for Pima County Vendors**

It **shall will** be the goal of the Procurement Department to afford opportunities to Pima County vendors in a manner consistent with the purpose of this Policy and the Procurement Objectives in Section XIX. **A vendor is anyone or any company offering something for sale. A vendor who has a current contract with Pima County may also be referred to as a contractor.**

The following **shall** apply:

- A. Where a bid evaluation results in a tie bid, the recommendation **shall must** be in favor of a Pima County vendor.
- B. The Procurement Department **shall will** provide information to enhance vendors' knowledge pertaining to Pima County procurement practices.
- C. The Procurement Department will use its affiliation with regional commissions and business groups in developing new approaches to helping businesses gain entry to the Pima County procurement process.
- D. The Procurement Department **shall will** maintain a vendor database and vendors **shall will** be afforded an opportunity to submit their vendor information for inclusion in the vendor database.

**XVIII. Public Information**

Pursuant to A.R.S. § 39-121 et. seq., ~~and~~ A.R.S. §§ 34-603(H) **and** 604(H) in the case of construction or Architectural and Engineering services procured under **A.R.S.** Title 34, Chapter 6, all



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**information documents** submitted in response to a solicitation **shall must** be deemed to be public information and **shall will** be made available to the public in accordance with the County Procurement Code, except that to the extent the **VENDOR vendor/contractor** designates and the Procurement Director concurs, trade secrets or other proprietary data **shall must** be regarded as confidential. The disclosure of information received in a procurement conducted under Chapter 6 of A.R.S. Title 34 **shall will** be governed by the above cited sections of that Chapter.

If the Procurement Director does *not* concur that the information constitutes trade secret or proprietary data, the information is subject to immediate release pursuant to A.R.S. § 39-121 et. seq. unless otherwise provided in the solicitation or contract.

If the Procurement Director *concurs* that the information reasonably constitutes trade secret or proprietary information, the following procedures **shall** apply:

Any records submitted in response to a solicitation that **VENDOR vendor/contractor** believes constitutes proprietary, trade secret or otherwise confidential information must be appropriately and prominently marked as CONFIDENTIAL by **VENDOR vendor/contractor** prior to submittal.

Notwithstanding the above provisions, in the event records marked CONFIDENTIAL are requested for public release pursuant to A.R.S. §39-121 et seq., **COUNTY County shall must** release records marked CONFIDENTIAL ten (10) business days after the date of notice to **VENDOR vendor/contractor** of the request for release, unless **VENDOR vendor/contractor** has, within the ten day period, secured a protective order, injunctive relief or other appropriate order from a court of competent jurisdiction, enjoining the release of the records. For the purposes of this paragraph, the day of the request for release **shall must** not be counted in the time calculation. **VENDOR vendor/contractor shall must** be notified of any request for such release on the same day of the request or as soon thereafter as practicable.

**COUNTY County shall will** not, under any circumstances, be responsible for securing a protective order or other relief enjoining the release of records marked CONFIDENTIAL, nor **shall will** **COUNTY County** be in any way financially responsible for any costs with securing such an order.

**XIX. Vendor Relations**

It is a primary purchasing responsibility to cultivate and maintain good vendor relations. This policy is adopted as a guide ~~to~~ **for** the development of these relations.

The Procurement Department will:

- A. Promote fairness and integrity in all business dealings.
- B. Provide all vendors with an opportunity for a full, fair and courteous hearing on any subject that is justified by the nature of their product or service.
- C. ~~insure~~ **Ensure** that all competition will be kept open and fair without favoritism.

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- D. Not knowingly take advantage of a vendor error.
- E. **Insure Ensure** that strict truthfulness is observed in all transactions with vendors.
- F. Request a quote from a vendor only when the buyer reasonably expects to consider the quote at final determination.
- G. Conduct activities in such a manner that every vendor will value Pima County business and will make every effort to return maximum ultimate value for every dollar received.

**XX. Procurement Objectives**

The Procurement Department will develop and administer a competent Procurement system through the following:

- A. Select and employ personnel that are appropriate for the respective procurement activities and promote development through training, professional organizations and educational opportunities.
- B. Through competition, acquire the best possible price considering quality, quantity, safety, delivery, service, and other factors.
- C. Conduct a Procurement program that will achieve maximum benefit and minimize the cost.
- D. Improve service to Pima County through communications with departments on purchasing matters and vendor/contractor relations.
- E. Cooperate with all departments and assist wherever possible in effective improvements that will lower the cost of purchasing items or services.
- F. Promote standardization of supplies and equipment specifications of all types, wherever practicable.
- G. Provide support and assistance, wherever practicable, to all governmental entities to reduce costs and improve service.
- H. Avoid any practice that will detract from the good reputation of Pima County.

~~Effective Date~~ **Adopted Date:** April 1, 2011  
**REVISED Revised Date:** November 19, 2013  
September 5, 2017  
**REVISED-Effective Date:** October 1, 2017



**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

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**I. Mission Statement**

The Pima County Procurement Department, acting as the central public purchasing authority for Pima County, will endeavor as its primary mandate to conserve public funds and conduct the procurement process in a fair, open, competitive, and ethical manner, within the provisions of applicable Arizona Revised Statutes (A.R.S.) and the County Procurement Code, in the best interest of Pima County.

**II. Purpose**

The purpose of this Policy is:

- A. To provide guidelines and clarification for implementation of the Procurement Code and to ensure all procurements are carried out within the mandates of Arizona law and the County Code.
- B. To permit and give direction to the continued development of procurement procedures and practices.
- C. To make as consistent as possible the procurement practices of various Pima County departments.
- D. To provide for increased public confidence in the practices followed in public procurement.
- E. To identify and provide direction on County Procurement rules, including State law, Pima County Code, Board of Supervisors Policies and Procurement Procedures regarding:
  - Authority and Responsibility of the Procurement Director
  - Competitive Procurement and Recommendations for Award
  - Conditions for Emergency, Limited Competition and No Substitute/Sole Source Procurements
  - Acceptance of Gifts and Rebates from Vendors/Contractors
  - Conflict of Interest
  - Handling of Confidential or Proprietary Vendors/Contractors Information

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- Development of Specifications and Application of Sustainability Initiatives
  - Vendor/Contractor relations, including Small & Local Businesses
- F. To promote cooperative, interactive, interdepartmental relations that ensure the timely and cost-effective acquisition of supplies, equipment and services.
- G. To ensure the highest level of ethical conduct in all business transactions.

### III. Applicability

- A. This Policy applies to all procurements initiated after the effective date of its adoption by the Board of Supervisors.
- B. This Policy applies to every expenditure of public funds for procurement, including, but not limited to, assistance monies, grant monies or other monies funneled through Pima County or any agency of Pima County. Nothing in this Policy or in procedures promulgated under this Policy will prevent any Pima County agency or department from complying with the terms and conditions of any grant, gift, bequest or cooperative agreement.
- C. This Policy applies to all Pima County personnel associated in any way with the requisition or acquisition of any supplies, equipment or services.

### IV. Authority of the Procurement Director

- A. The Procurement Director has authority to:
1. Exercise authority set forth in the Procurement Code.
  2. Promulgate procurement procedures, covering procurement practices and requirements consistent with A.R.S., the Procurement Code and the Board of Supervisors Policies.
  3. Make sourcing decisions and awards on all procurements with a value of \$250,000 or less per year for a maximum contract term of 5 years.
  4. Dispose of surplus personal property pursuant to A.R.S. §§11-251(9) and (56). Surplus equipment and materials that have little or no value or are unauctionable items will be made available to local charitable organizations at no charge. Items which are determined to have sufficient value must be saved for use by various County departments, auctioned, or otherwise disposed of as deemed appropriate by the Procurement Director.
  5. Make determinations of contractor responsibility.
  6. Terminate for Convenience or Cause contracts executed by the Procurement Director.

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- B. Except as herein provided, no person will purchase or make any contract within the scope of this policy other than through the Procurement Department and any purchase order or contract made contrary to the provisions hereof will not be approved by Pima County.

**V. Responsibility of the Procurement Director**

The Procurement Director will:

- A. Report directly to the County Administrator or designee.
- B. Develop and implement procedures that ensure compliance with the Pima County Procurement Code, Board of Supervisors Policies, and with the relevant provisions of A.R.S.
- C. Serve as Procurement Agent for County.
- D. Where cost-effective, centralize procurement of all supplies, equipment, and services for all Pima County departments.
- E. Prepare, advertise, and issue solicitations, including through use of electronic documents and systems, and ensure that the selection process is in compliance with this policy, procedures, the Procurement Code, and A.R.S.
- F. Facilitate the development of specifications for annual contracts for materials, supplies, equipment and contractual services.
- G. Evaluate solicitation responses and make recommendations for an award to the Board of Supervisors, as required.
- H. Issue procurement and purchasing agreement documents, including electronic documents, such as master agreements, purchase orders and contracts for materials and services pursuant to procedures set forth in Board of Supervisors Policy D 29.4.
- I. Review all Pima County contracts and either sign or prepare for Board of Supervisors approval according to authorized value pursuant to Board of Supervisors Policy D 29.4.
- J. Maintain a centralized contract file and retrieval system for all Pima County contracts.
- K. Maintain a vendor file, and encourage and assist vendors in competing for Pima County business.
- L. Coordinate the disposal of Pima County's surplus and obsolete materials and equipment.
- M. Review all purchases that do not conform to the Board of Supervisors policy, and either approve or deny the purchase.

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N. Ensure that:

1. The needed quantity of supplies, equipment and service are procured in the most advantageous manner for Pima County, subject to funding limitations.
2. Full and open competition is encouraged on all purchases.
3. All applicable policies, procedures, rules, laws and regulations are complied with.
4. Current developments in the purchasing profession, benefits of research on products, new products, market trends, trade associations and technical societies are utilized to assist Pima County in maintaining a more efficient and cost-effective system of purchasing.
5. The Procurement Department is responsive to the needs of the various departments.

**VI. Competitive Procurement**

The Pima County Procurement Department will ensure that a competitive environment exists for all Procurements. The following apply:

- A. All applicable policies, procedures, rules, laws and the Procurement Code must be followed in all solicitation activities.
- B. Responses will be opened in accordance with the Procurement Code by the Procurement Director or the delegated representative.
- C. The Procurement Director will tabulate and analyze the responses received in answer to the solicitation, and in conjunction with the requisitioning department, will verify that the responses meet specifications.

**VII. Recommendations for Award**

The Procurement Director will prepare and post notice of recommendations for award on all formally advertised solicitations.

- A. If the requesting department finds the low bid or highest scoring proposal acceptable, the Procurement Director will prepare a notice of recommendation for award to the low bid or highest scoring proposal.
- B. Except for procurements conducted under A.R.S. Title 34, if the requesting department finds the low bid or highest scoring proposal unacceptable, it will submit justification for award to other than the low bid or highest scoring proposal to the Procurement Director. The Procurement Director will convene a meeting with representatives of the requesting department, the County Attorney's Office, and the cognizant buyer to review the bid evaluation and prepare a notice of recommendation for award based upon:

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1. Conformance to specifications,
2. Intended use,
3. Best interest of Pima County,
4. Legal considerations,
5. Procedural requirements, and
6. Ethical considerations.

- C. The Procurement Director may award all solicitations for amounts of \$250,000 or less per year. Bid awards more than \$250,000 per year must be made by official action of the Board of Supervisors.
- D. The Clerk of the Board will notify the Procurement Department of such Board of Supervisors action.

**VIII. Emergency and other Limited Competition Procurement**

Emergency and other limited competition procurement must be conducted in accordance with Procurement Code Section 11.12.060.

**IX. No Substitute Procurements**

- A. When the needs of a department can only be met by a particular product or service, the department will submit justification in writing to the Procurement Director that a "no substitute procurement" is required. Such justification must include a full and detailed explanation as to why no other make, model, etc., will satisfy the needs of the County.
- B. Upon approval by the Procurement Director, the buyer will proceed to seek maximum competition for the item in accordance with normal procurement procedure.
- C. Examples of no substitute procurement include, but are not limited to:
  1. Replacement parts or accessories for a specific piece of equipment.
  2. Specific chemicals or compounds to obtain a desired result or to sustain a warranty on specific equipment.
  3. Color, composition and other attributes must be an exact match to existing installations.
  4. Equipment that is defined as a part of a department's standardization plan.
- D. This provision does not apply to procurements governed by A.R.S. Title 34.

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**X. Sole Source Procurement**

A sole source contract may be awarded for materials or services without competition in accordance with Procurement Code Section 11.12.050. This provision does not apply to construction governed by A.R.S. Title 34.

**XI. County Attorney Approval of Contracts**

Contracts must be approved as to form by the County Attorney before being submitted to the Contractor or the Board of Supervisors for approval, per Board of Supervisors Policy D 29.4.

**XII. Gifts and Rebates**

- A. All officers and employees of the County are expressly prohibited from accepting any gift, rebate, money or remuneration of any kind from any person, firm, company or corporation to which any purchase order or contract is or may be awarded.
- B. Gifts received are to be returned to the suppliers immediately with a letter explaining Pima County's policy.
- C. This prohibition does not apply to minor promotional items such as calendars, pens, paperweights, etc., which have little or no value.

**XIII. Conflict of Interest**

- A. Per A.R.S. § 38-501 *et. seq.*, any Pima County officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of Pima County must make the interest known via the County's official records; and must refrain from any participation in any capacity in the contract sale, purchase, service, or decision.
- B. Any officer or employee who has, or whose relative has a substantial interest in any contract, sale, purchase, service or decision of Pima County must:
  - 1. Pursuant to County department procedures, make known that interest in the file maintained by the Clerk of the Board, and/or the Finance Department; and
  - 2. Refrain from voting or participating in any manner in the contract, sale, purchase, service or decision.
- C. Notwithstanding compliance with these requirements, an employee or employee's relative with a substantial interest may not supply equipment, materials, supplies or services to Pima County unless pursuant to an award or contract let after public competitive bidding in compliance with the Pima County Procurement Code, Board of Supervisors Policies, and Procurement Procedures.



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- D. Determination regarding substantial interest will be made in consultation with the Pima County Attorney's office, the County Administrator, the Procurement Director, Finance/Risk Management and the Department Head.

**XIV. Specifications: Supplies, Equipment and Services**

- A. Specifications for supplies, equipment, materials and services must be as generic as possible to encourage maximum competition on all Pima County procurements.
1. All specifications must describe Pima County's requirements in a manner that does not unnecessarily exclude a material, service or construction item. Notwithstanding this requirement, County Departments, when applicable, must incorporate the objectives of Board of Supervisors Resolution 2007-84 into any set of specifications for the procurement of supplies, equipment and services.
  2. Proprietary specifications must not be used unless the Procurement Director determines that such specifications are required by demonstrable technological justification and that it is not practicable or advantageous to use a less restrictive specification. Past success in the material's performance, traditional purchasing practices, or inconvenience of preparing specifications do not justify the use of proprietary specifications.
- B. To the extent practicable, Pima County must use accepted commercial specifications and must procure standard commercial materials.
- C. Specifications must reflect the product which will reasonably perform the required function. Specifications should be stated in terms of minimum acceptable or acceptable ranges wherever possible. Absolutes are to be avoided unless they are essential. Excessive specifications are not in the best interest of the County.

To the extent practicable, specifications must be developed in a manner that optimizes the achievement of the sustainability initiatives in Resolution No. 2007-84.

- D. Sustainable Community Preference.

Procurement solicitations utilizing qualitative criteria to evaluate proposals must include criteria, with a weighting of not more than 5% of the total possible score that recognize and consider the relative magnitude by which each proposal advances the sustainability initiatives of Resolution No. 2007-84. The evaluation and scoring of proposals for this criteria must give relative preference to the proposal that best optimizes achievement of the initiatives as determined by the evaluation committee. The evaluation may include and not be limited to: (1) the resource extraction and manufacturing processes utilized; (2) distance and type of transportation required; (3) life-cycle costs; (4) amount of waste generated; (5) the recyclable content of the product, the product's capacity to be recycled or reused, and the product and packaging "take-back" policies of the manufacturer or distributor; (6) energy and water efficiency; and (7) socioeconomic benefits to Pima County which may include preference to firms that are located within Pima County.

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**XV. Small Business Enterprises (SBE) Participation**

It is the policy of the Pima County Procurement Department to promote participation by Small Business Enterprises in County contracts.

- A. The Procurement Department will develop and implement procedures that ensure compliance with the County SBE Ordinance, Title 20 Pima County Code.
- B. The Procurement Department will advise all vendors/contractors of the County SBE Ordinance and the corresponding rules and procedures.

**XVI. Withdrawal or Modification of Bids/Proposals**

A bidder/respondent may withdraw or modify its' bid/proposal only in accordance with the County Procurement Code Section 11.12.010 G.

**XVII. Business Opportunities for Pima County Vendors**

It will be the goal of the Procurement Department to afford opportunities to Pima County vendors in a manner consistent with the purpose of this Policy and the Procurement Objectives in Section XIX. A vendor is anyone or any company offering something for sale. A vendor who has a current contract with Pima County may also be referred to as a contractor.

The following apply:

- A. Where a bid evaluation results in a tie bid, the recommendation must be in favor of a Pima County vendor.
- B. The Procurement Department will provide information to enhance vendors' knowledge pertaining to Pima County procurement practices.
- C. The Procurement Department will use its affiliation with regional commissions and business groups in developing new approaches to helping businesses gain entry to the Pima County procurement process.
- D. The Procurement Department will maintain a vendor database and vendors will be afforded an opportunity to submit their vendor information for inclusion in the vendor database.

**XVIII. Public Information**

Pursuant to A.R.S. § 39-121 et. seq., A.R.S. §§ 34-603(H) and 604(H) in the case of construction or Architectural and Engineering services procured under A.R.S. Title 34, Chapter 6, all documents submitted in response to a solicitation must be deemed to be public information and will be made available to the public in accordance with the County Procurement Code, except that to the extent the vendor/contractor designates and the Procurement Director concurs, trade secrets or other proprietary data must be regarded as confidential. The disclosure of information received in a

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procurement conducted under Chapter 6 of A.R.S. Title 34 will be governed by the above cited sections of that Chapter.

If the Procurement Director does *not* concur that the information constitutes trade secret or proprietary data, the information is subject to immediate release pursuant to A.R.S. § 39-121 et. seq. unless otherwise provided in the solicitation or contract.

If the Procurement Director *concurs* that the information reasonably constitutes trade secret or proprietary information, the following procedures apply:

Any records submitted in response to a solicitation that vendor/contractor believes constitutes proprietary, trade secret or otherwise confidential information must be appropriately and prominently marked as CONFIDENTIAL by vendor/contractor prior to submittal.

Notwithstanding the above provisions, in the event records marked CONFIDENTIAL are requested for public release pursuant to A.R.S. §39-121 et seq., County must release records marked CONFIDENTIAL ten (10) business days after the date of notice to vendor/contractor of the request for release, unless vendor/contractor has, within the ten day period, secured a protective order, injunctive relief or other appropriate order from a court of competent jurisdiction, enjoining the release of the records. For the purposes of this paragraph, the day of the request for release must not be counted in the time calculation. Vendor/contractor must be notified of any request for such release on the same day of the request or as soon thereafter as practicable.

County will not, under any circumstances, be responsible for securing a protective order or other relief enjoining the release of records marked CONFIDENTIAL, nor will County be in any way financially responsible for any costs with securing such an order.

#### **XIX. Vendor Relations**

It is a primary purchasing responsibility to cultivate and maintain good vendor relations. This policy is adopted as a guide for the development of these relations.

The Procurement Department will:

- A. Promote fairness and integrity in all business dealings.
- B. Provide all vendors with an opportunity for a full, fair and courteous hearing on any subject that is justified by the nature of their product or service.
- C. Ensure that all competition will be kept open and fair without favoritism.
- D. Not knowingly take advantage of a vendor error.
- E. Ensure that strict truthfulness is observed in all transactions with vendors.

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- F. Request a quote from a vendor only when the buyer reasonably expects to consider the quote at final determination.
- G. Conduct activities in such a manner that every vendor will value Pima County business and will make every effort to return maximum ultimate value for every dollar received.

**XX. Procurement Objectives**

The Procurement Department will develop and administer a competent Procurement system through the following:

- A. Select and employ personnel that are appropriate for the respective procurement activities and promote development through training, professional organizations and educational opportunities.
- B. Through competition, acquire the best possible price considering quality, quantity, safety, delivery, service, and other factors.
- C. Conduct a Procurement program that will achieve maximum benefit and minimize the cost.
- D. Improve service to Pima County through communications with departments on purchasing matters and vendor/contractor relations.
- E. Cooperate with all departments and assist wherever possible in effective improvements that will lower the cost of purchasing items or services.
- F. Promote standardization of supplies and equipment specifications of all types, wherever practicable.
- G. Provide support and assistance, wherever practicable, to all governmental entities to reduce costs and improve service.
- H. Avoid any practice that will detract from the good reputation of Pima County.

Adopted Date: April 1, 2011  
Revised Date: November 19, 2013  
September 5, 2017  
Effective Date: October 1, 2017



PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

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I. Purpose

The purpose of this document is to define Pima County's Policy regarding the acquisition of materials and general non-professional services estimated to cost less than the annual aggregate dollar amount of \$5 \$10,000.00 annually, which are authorized to be procured by the administering department pursuant to Pima County Procurement Code Sections 11.12.040 Small Purchases, or otherwise exempt from competitive selection requirements as authorized by Title 11 – County Procurement Code or Board of Supervisors Policy.

This Policy is not intended to subvert or waive the County's obligation for prudent expenditures of public funds in compliance with the Procurement Code, the Board of Supervisors Policies and Administrative and Procurement Procedures. Departments should, wherever possible, seek competitive pricing on purchases made pursuant to this policy.

The Procurement Department is the Central Procurement Authority for Pima County. Should questions or issues arise regarding the appropriate procurement method to be used, employees shall will consult with the Procurement Department to clarify and acquire concurrence *prior* to making the procurement or purchase transaction.

II. Definitions

- A. Annual aggregate: The combined amount of reasonably expected spend in any one-year period that could result from a single procurement process and deliverable by one or more contractors regardless of the payment method.
- B. Emergency Purchase: A purchase to address any threat to the public health, welfare, property or safety. Such purchases may include performing a limited competition solicitation or waiver of normal procurement practices as the situation may dictate in order to meet the County's emergency need.
- C. Limited Competition: A shortened procurement process authorized by the County Administrator that is conducted with a limited selection of vendors to address any situation which makes compliance with normal purchasing procedures impracticable or contrary to the public interest.
- D. Materials and General Non-Professional Services: Refers to tangible commodity items or routine services that do not fall under the definitions of "professional" in Board of Supervisors Policies D29.1 or D29.6. This can be based on one commodity code or a combination of similar items of like commodity codes.

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- E. **Payment Request (PR):** A method to pay for materials and general non-professional services, submitted on a Payment Request (PR) document through the County enterprise business system.
- F. **P-Card:** A method to purchase and pay for materials and general non-professional services in conformance with the P-Card procedure.
- G. **Procurement (Procured):** The process utilized to identify and select the best vendor or supplier to provide the required materials or services.
- H. **Purchase:** Authorization (Order) given to a vendor or supplier to provide procured materials and services.
- I. **Small Business Enterprise (SBE):** A Local Certified Small Business vendor as defined in Board of Supervisors Policy D29.8.
- J. **Small Purchase:** Purchases of materials and general non-professional services estimated annually to cost less than **\$510,000**.
- K. **Utilities:** Regulated businesses authorized to operate in a franchise area to deliver basic public services such as electricity, natural gas, telecommunications, water and others, which normally cannot be competed.

### III. Policy

The following procurements are excluded from this Policy:

- Procurements for architectural/engineering services or construction services **shall must** be conducted in accordance with **ARS Arizona Revised Statutes (A.R.S.)** Title 34 and Board of Supervisors Policy D29.1
- Procurement of general professional services **shall must** be conducted in accordance with **ARS A.R.S. § 11-254** and Board of Supervisors Policy D29.6
- Procurements of medical and health related professional services **shall must** be conducted in accordance with **ARS A.R.S. §§ 11-251 (60)** and 11-291, and Board of Supervisors Policy D29.7

Administering departments must utilize in-house services or obtain advance written approval for purchases where required by Administrative Procedures **such as, but not limited to,** (AP 3-15: Printing, **AP-24 27-2:** Computer Equipment & Software, AP-22-1: Business Travel, AP 49-5: Vehicle Purchases, and AP 51-4: Furniture), prior to the application of this policy.

#### A. Departmental Procurement Authority

Procurements as authorized by this policy may be conducted by the administering department only under the following conditions:

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1. Materials and general non-professional services of amounts less than **\$510,000**;
2. Purchases exempt from competition and dollar limitation listed in Section C of this policy; and
3. Where the Procurement Director has given the Department written delegated authority to perform such activities.

Departments **shall must** contact at least one SBE vendor, if available and practicable, for eligible materials and general non-professional service procurements **up to less than \$510,000**.

When making these procurements, departments should always be alert to possible liability issues, especially involving the procurement of services. Types of services with potential liability may include legal or other specialized consulting services for pending or anticipated litigation, real property acquisitions, leases, management or sale, and other services which may pose financial, tort, or other risk exposure to **the** County. These potential liability services, regardless of value, are best procured utilizing standard County contract forms to provide appropriate protections. If there is any doubt or concern related to liability issues, guidance should be acquired from **the** Pima County Attorney's Office, **the** Finance and Risk Management **Department**, and **the** Procurement **Department** prior to proceeding with the acquisition.

**B. Competitive Solicitation Requirement**

Pima County Procurement Code Section 11.12 establishes that the preferred method of selection for all County **P**rocurements is through competitive bids or proposals defined by the Procurement Code, Board of Supervisors **P**olicies, and Administrative and Procurement Procedures.

A competitive solicitation is required when **a one-time purchase exceeds \$10,000.00** or there will be reasonably anticipated or recurring requirements for the same or similar materials or general non-professional services, **within a rolling twelve month period**, that exceed an estimated **annual** aggregate cost of **\$510,000.00, Countywide**.

The Procurement Department **with the assistance of the Finance Department shall will** regularly review small purchases made pursuant to this Policy for conformance. Where feasible **and when in the best interest of the County**, the Procurement Department **shall will** incorporate reoccurring small purchases into competitive contracts or master agreements. **when in the best interests of the County**. When such purchases are identified, administering departments **shall will** cooperate with the Procurement **d**Department in establishing specifications and annual usage estimates for the development of a competitive solicitation or amendment to an existing contract or master agreement.

Competitive solicitations for materials or general non-professional services above **\$510,000.00 shall must** be conducted by the Procurement Department, except where the

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Procurement Director has given the Department written delegated authority to perform such activities. Delegated departments are expected to conduct their procurements in accordance with Board **of Supervisors** Policy and Procurement Procedures.

C. Purchases Exempt from Competition and Dollar Limitation

The following materials and services are exempted from the competitive procurement process and limitation of dollar amount and may be procured and purchased by administering departments pursuant to this Policy. A contract is generally not required for these purchases, but may be used at the discretion of the procuring/purchasing department, subject to the requirements of **BOS Board of Supervisors** Policy D29.4.

1. **Court ordered and County retained services for** court-related and legal expenses related to a specific or potential court action, such as attorneys, expert witnesses, investigators, etc., as follows:
  - a) Payment of ancillary services, including but not limited to expert witnesses, investigators, etc., of a court-appointed attorney, whether or not the attorney has entered into a contract, which (i) the appointed attorney has certified to County as necessary for the representation that the attorney has been appointed to and (ii) the Appointing Authority or designee, has approved as a facially appropriate expenditure; or
  - b) Payment of court related and legal expenses of an attorney whom the court has appointed in a matter that the attorney has not contracted to perform for County; or
  - c) Payment of the court-related **professional and** ancillary expenses when the Court enters an order for payment by County in a privately-retained case; **or**
  - d) Outside counsel, expert witnesses, and other **consultants professionals** retained by Pima County, **including necessary ancillary services, related to a specific or potential court action.**
2. Postage.
3. Utility bills, and utility installation, connections, and relocations performed by the utility provider.
4. Medical expenses related to care of a specific patient, such as hospitalization, physician, **ambulance services,** laboratory fees, etc.
5. Travel, subject to Administrative Procedure 22-1: Business Travel limitations.
6. Educational and training expenses incurred by Pima County for events provided by outside companies including registration fees, course fees, and testing materials. Does not apply to training courses that are specifically designed for Pima County. **Board of Supervisors** Policy D29.6 **shall must** be followed to procure those services.



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7. Fees and Dues.
8. Books, publications and subscriptions. Excludes software or music license subscriptions and books to be provided for public use by the Library District.
9. Promotional advertising paid directly to television, radio, billboard, magazine, and newspaper companies. **Excludes Legal and Classified Advertising, and promotional or advertising items, such as pencils, pens, notepads, key rings, etc.**
10. Real estate services, such as those related to land titles, appraisals, real property acquisitions, relocation, or property management which do not require a contract to be executed under **Arizona Revised Statutes A.R.S.** Titles 11, 28, or 48.
11. Emergency Purchases: A limited competition emergency purchase or waiver of normal procurement practices may be made under the following conditions and in those situations where an emergency has been declared by the Board of Supervisors, or with the County Administrator's prior written approval, as defined in Pima County Code Title 11.12.060:
  - a) In the event of an absolute emergency requiring immediate action to protect the public health, welfare, property, or safety, departments may purchase the minimum materials or services necessary to resolve the emergency.
  - b) In the event emergency response is required because of a disaster, i.e., fire, flood, accidents, etc., all necessary action is authorized.
  - c) Emergency procurement **shall be is** limited to those materials or services necessary to satisfy the emergency need.
  - d) Documentation of the purchase of such emergency materials or services must be submitted to the Procurement Director for approval, along with a written justification for the action taken, memo from the County Administrator, or Board **of Supervisors** Resolution number.

D. Payment of Purchases related to this Policy

A **Purchasing Card (PCard)**, or **Payment Request (PR)** (~~except for business travel~~), is authorized for payment of purchases identified in this Policy *except: 1) for business travel where travel forms are required, 2) where an annual requirements master agreement or contract exists for the required materials or services or 3) arrangements have been made with the Procurement Department for use of the PCard against a Master Agreement.* PCard payments that are non-conforming to this policy will be subject to the PCard Procedure review criteria. **Payment Requests PRs** that appear to be non-conforming to this policy **shall will** be submitted by Finance to the Procurement Director for review and approval to pay. **Payment Requests PRs** that are not approved will be returned to the Department that incurred the payment obligation.

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**IV. Enforcement**

As defined by Board of Supervisors Policy D29.9 "Pima County Department Purchase Responsibility", all County Department Heads are responsible for the training, supervision and management of their respective staff to ~~assure~~ ensure full compliance with this policy.

<b><u>Adopted Date:</u></b>	<b><u>Month xx, xxxx</u></b>
Revised Date:	August 18, 1997
	April 11, 2000
	November 18, 2003
	May 3, 2005
	August 21, 2006
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	September 5, 2017
Effective Date:	October 1, 2017



PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

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I. **Purpose**

The purpose of this document is to define Pima County's Policy regarding the acquisition of materials and general non-professional services estimated to cost less than the annual aggregate dollar amount of \$10,000.00, which are authorized to be procured by the administering department pursuant to Pima County Procurement Code Sections 11.12.040 Small Purchases, or otherwise exempt from competitive selection requirements as authorized by Title 11 – County Procurement Code or Board of Supervisors Policy.

This Policy is not intended to subvert or waive the County's obligation for prudent expenditures of public funds in compliance with the Procurement Code, the Board of Supervisors Policies and Administrative and Procurement Procedures. Departments should, wherever possible, seek competitive pricing on purchases made pursuant to this policy.

The Procurement Department is the Central Procurement Authority for Pima County. Should questions or issues arise regarding the appropriate procurement method to be used, employees will consult with the Procurement Department to clarify and acquire concurrence *prior* to making the procurement or purchase transaction.

II. **Definitions**

- A. **Annual aggregate**: The combined amount of reasonably expected spend in any one-year period that could result from a single procurement process and deliverable by one or more contractors regardless of the payment method.
- B. **Emergency Purchase**: A purchase to address any threat to the public health, welfare, property or safety. Such purchases may include performing a limited competition solicitation or waiver of normal procurement practices as the situation may dictate in order to meet the County's emergency need.
- C. **Limited Competition**: A shortened procurement process authorized by the County Administrator that is conducted with a limited selection of vendors to address any situation which makes compliance with normal purchasing procedures impracticable or contrary to the public interest.
- D. **Materials and General Non-Professional Services**: Refers to tangible commodity items or routine services that do not fall under the definitions of "professional" in Board of Supervisors Policies D29.1 or D29.6. This can be based on one commodity code or a combination of similar items of like commodity codes.

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- E. **Payment Request (PR)**: A method to pay for materials and general non-professional services, submitted on a Payment Request (PR) document through the County enterprise business system.
- F. **PCard**: A method to purchase and pay for materials and general non-professional services in conformance with the PCard procedure.
- G. **Procurement (Procured)**: The process utilized to identify and select the best vendor or supplier to provide the required materials or services.
- H. **Purchase**: Authorization (Order) given to a vendor or supplier to provide procured materials and services.
- I. **Small Business Enterprise (SBE)**: A Local Certified Small Business vendor as defined in Board of Supervisors Policy D29.8.
- J. **Small Purchase**: Purchases of materials and general non-professional services estimated annually to cost less than \$10,000.
- K. **Utilities**: Regulated businesses authorized to operate in a franchise area to deliver basic public services such as electricity, natural gas, telecommunications, water and others, which normally cannot be competed.

### III. **Policy**

The following procurements are excluded from this Policy:

- Procurements for architectural/engineering services or construction services must be conducted in accordance with Arizona Revised Statutes (A.R.S.) Title 34 and Board of Supervisors Policy D29.1
- Procurement of general professional services must be conducted in accordance with A.R.S. § 11-254 and Board of Supervisors Policy D29.6
- Procurements of medical and health related professional services must be conducted in accordance with A.R.S. §§ 11-251 (60) and 11-291, and Board of Supervisors Policy D29.7

Administering departments must utilize in-house services or obtain advance written approval for purchases where required by Administrative Procedures such as, but not limited to, AP 3-15: Printing, 27-2: Computer Equipment & Software, AP-22-1: Business Travel, AP 49-5: Vehicle Purchases, and AP 51-4: Furniture, prior to the application of this policy.

#### A. **Departmental Procurement Authority**

Procurements as authorized by this policy may be conducted by the administering department only under the following conditions:

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1. Materials and general non-professional services of amounts less than \$10,000;
2. Purchases exempt from competition and dollar limitation listed in Section C of this policy; and
3. Where the Procurement Director has given the Department written delegated authority to perform such activities.

Departments must contact at least one SBE vendor, if available and practicable, for eligible materials and general non-professional service procurements less than \$10,000.

When making these procurements, departments should always be alert to possible liability issues, especially involving the procurement of services. Types of services with potential liability may include legal or other specialized consulting services for pending or anticipated litigation, real property acquisitions, leases, management or sale, and other services which may pose financial, tort, or other risk exposure to the County. These potential liability services, regardless of value, are best procured utilizing standard County contract forms to provide appropriate protections. If there is any doubt or concern related to liability issues, guidance should be acquired from the Pima County Attorney's Office, the Finance and Risk Management Department, and the Procurement Department prior to proceeding with the acquisition.

**B. Competitive Solicitation Requirement**

Pima County Procurement Code Section 11.12 establishes that the preferred method of selection for all County procurements is through competitive bids or proposals defined by the Procurement Code, Board of Supervisors Policies, and Administrative and Procurement Procedures.

A competitive solicitation is required when a one-time purchase exceeds \$10,000.00 or there will be reasonably anticipated or recurring requirements for the same or similar materials or general non-professional services that exceed an estimated annual aggregate cost of \$10,000.00, Countywide.

The Procurement Department with the assistance of the Finance Department will regularly review small purchases made pursuant to this Policy for conformance. Where feasible and when in the best interest of the County, the Procurement Department will incorporate reoccurring small purchases into competitive contracts or master agreements. When such purchases are identified, administering departments will cooperate with the Procurement Department in establishing specifications and annual usage estimates for the development of a competitive solicitation or amendment to an existing contract or master agreement.

Competitive solicitations for materials or general non-professional services above \$10,000.00 must be conducted by the Procurement Department, except where the Procurement Director has given the Department written delegated authority to perform such activities. Delegated departments are expected to conduct their procurements in accordance with Board of Supervisors Policy and Procurement Procedures.

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C. Purchases Exempt from Competition and Dollar Limitation

The following materials and services are exempt from the competitive procurement process and limitation of dollar amount and may be procured and purchased by administering departments pursuant to this Policy. A contract is generally not required for these purchases, but may be used at the discretion of the procuring/purchasing department, subject to the requirements of Board of Supervisors Policy D29.4.

1. Court ordered and County retained services for court-related and legal expenses related to a specific or potential court action, such as attorneys, expert witnesses, investigators, etc., as follows:
  - a) Payment of ancillary services, including but not limited to expert witnesses, investigators, etc., of a court-appointed attorney, whether or not the attorney has entered into a contract, which (i) the appointed attorney has certified to County as necessary for the representation that the attorney has been appointed to and (ii) the Appointing Authority or designee, has approved as a facially appropriate expenditure; or
  - b) Payment of court related and legal expenses of an attorney whom the court has appointed in a matter that the attorney has not contracted to perform for County; or
  - c) Payment of the court-related professional and ancillary expenses when the Court enters an order for payment by County in a privately-retained case; or
  - d) Outside counsel, expert witnesses, and other professionals retained by Pima County, including necessary ancillary services.
2. Postage.
3. Utility bills, and utility installation, connections, and relocations performed by the utility provider.
4. Medical expenses related to care of a specific patient, such as hospitalization, physician, ambulance services, laboratory fees, etc.
5. Travel, subject to Administrative Procedure 22-1: Business Travel limitations.
6. Educational and training expenses incurred by Pima County for events provided by outside companies including registration fees, course fees, and testing materials. Does not apply to training courses that are specifically designed for Pima County. Board of Supervisors Policy D29.6 must be followed to procure those services.
7. Fees and Dues.
8. Books, publications and subscriptions. Excludes software or music license subscriptions and books to be provided for public use by the Library District.

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9. Promotional advertising paid directly to television, radio, billboard, magazine, and newspaper companies.
10. Real estate services, such as those related to land titles, appraisals, real property acquisitions, relocation, or property management which do not require a contract to be executed under A.R.S. Titles 11, 28, or 48.
11. Emergency Purchases: A limited competition emergency purchase or waiver of normal procurement practices may be made under the following conditions and in those situations where an emergency has been declared by the Board of Supervisors, or with the County Administrator's prior written approval, as defined in Pima County Code Title 11.12.060:
  - a) In the event of an absolute emergency requiring immediate action to protect the public health, welfare, property, or safety, departments may purchase the minimum materials or services necessary to resolve the emergency.
  - b) In the event emergency response is required because of a disaster, i.e., fire, flood, accidents, etc., all necessary action is authorized.
  - c) Emergency procurement is limited to those materials or services necessary to satisfy the emergency need.
  - d) Documentation of the purchase of such emergency materials or services must be submitted to the Procurement Director for approval, along with a written justification for the action taken, memo from the County Administrator, or Board of Supervisors Resolution number.

**D. Payment of Purchases related to this Policy**

A PCard or PR, is authorized for payment of purchases identified in this Policy *except*: 1) for business travel where travel forms are required, 2) where an annual requirements master agreement or contract exists for the required materials or services or 3) arrangements have been made with the Procurement Department for use of the PCard against a Master Agreement. PCard payments that are non-conforming to this policy will be subject to the PCard Procedure review criteria. PRs that appear to be non-conforming to this policy will be submitted by Finance to the Procurement Director for review and approval to pay. PRs that are not approved will be returned to the Department that incurred the payment obligation.

**IV. Enforcement**

As defined by Board of Supervisors Policy D29.9 "Pima County Department Purchase Responsibility", all County Department Heads are responsible for the training, supervision and management of their respective staff to ensure full compliance with this policy.

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**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>  <b>Contracts</b>	<b>Policy Number</b>	<b>Page</b>
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**I. Purpose**

To establish a consistent, uniform and efficient contracting policy and process that optimizes the prudent expenditure of public funds while protecting the interests of Pima County.

**II. Scope**

Applicable to all County employees and departments of Pima County, including those legal districts where the County Board of Supervisors serves as the district's Board, and all contractual arrangements or agreements ("contracts") established on behalf of the applicable entities. All such contracts and agreements must be established consistent with and pursuant to the Pima County Procurement Code, Board of Supervisors policies and Procurement procedures.

**III. Policy**

This Policy applies to all contractual arrangements or agreements, including all non-procurement or Procurement Code-exempt contracts as further described in this Policy. All contractual arrangements or agreements (excluding Grant Agreements) must be processed through the Procurement Department in accordance with this Policy.

No County Department will execute any contractual arrangement or agreement, except as stated in this Policy, unless such authority has been otherwise delegated in writing by the Procurement Director per Pima County Procurement Code Section 11.08.010, or by the Board of Supervisors.

The department engaging or acquiring the material or service is responsible for monitoring, evaluating and ensuring the delivery of all contracted performance.

**IV. Centralized Contracts Processing and Repository**

All contracts (excluding Grant Agreements and recorded Real Property agreements), even if exempt from the Procurement Code, requiring the approval of the Board of Supervisors, the Procurement Director, authorized designees, or delegated authorities, will be processed through the Procurement Department to ensure proper administrative review. The Procurement Department will maintain a centralized, comprehensive contract repository system that will provide positive identification for filing and retrieval of the contract documents. This repository and its contents must be freely accessible as a public record, except where limited pursuant to confidentiality conditions prescribed in Policy D 29.2 XVIII.

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**V. Contracts**

The use of the term "contract" includes both procurement and non-procurement related agreements. Contracts may include, but are not limited to the following categories:

- Disposition Contracts: Contracts involving the disposition or conveyance rather than acquisition of materials or services.
- Emergency Contracts: Emergency contracts for materials and services, excluding design and construction services, must be acquired in accordance with Procurement Code Section 11.12.060. Contracts for design and construction services must be acquired in accordance with Arizona Revised Statutes § 34-606. The authority allowed under Procurement Code Section 11.12.060 and A.R.S. § 34-606 is more expansive than for emergency situations. The responsible department must prepare supporting justification of need and obtain the County Administrator's approval unless the Board of Supervisors has declared an emergency. The Procurement Director will determine if a limited competitive process is appropriate. Pursuant to the Board of Supervisors' declaration or approval by the County Administrator, the responsible department must prepare the contract for execution. If the County Administrator and/or Procurement Director determines that the emergency procurement is not justified, the originating department will be notified, which may, if appropriate, supply additional information and request reconsideration.
- Funding Agreements: As authorized by A.R.S. § 11-254 and Board of Supervisors Policy E 36.1, the County has developed several programs for awarding County funds to federally tax-exempt non-profit corporations and government agencies, to be used for specified public purposes. Grants or sub-grants and resulting agreements must follow established internal selection procedures and utilize contract templates developed specifically for that purpose. Funding agreements must be for a specified community/public purpose; the funded agency must be a government agency or federally tax-exempt non-profit entity with a tax identification number, registered in Procurement's vendor database; funding must provide community and economic development benefits; and depending upon the value of award, may be authorized via Board of Supervisors Policy D 29.3 or through a standard funding agreement template. An aggregate funding cap will be approved and monitored by Budget Control for these purposes annually.

Funding agreements will be drafted by the funding department and, regardless of the dollar amount involved, must be processed for signature by the Chair after Board of Supervisors action approving the funding and purpose, except that funding amounts less than \$10,000 may be authorized and paid pursuant to Board of Supervisors Policy D 29.3.

- Grant Awards to Pima County: All agreements to accept grants awarded to the County must be executed by the Board of Supervisors. Departments must comply with Board of Supervisors Policy D 22.6, which governs all grant awards to Pima County. Grant awards and execution of agreements must be processed through the Finance Department Grants Management Division for approval and signature.

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- Intergovernmental Agreements: If authorized by their legislative or other governing bodies, two or more public agencies or public procurement units by direct contract or agreement may contract for services or jointly exercise any powers common to the contracting parties and may enter into agreements with one another for joint or cooperative action or may form a separate legal entity, including a nonprofit corporation, to contract for or perform some or all of the services specified in the contract or agreement or exercise those powers jointly held by the contracting parties. For Pima County purposes, if the agreement is a result of a procurement process, it is a standard contract.
- Legal Services Contracts: The contracting of legal services is exempt from the Procurement Code per Section 11.04.020 and is not required to follow competitive processes. Legal services include all necessary general and professional services for administrative proceedings and pending or anticipated litigation, such as investigators, expert witnesses, attorneys and support staff.

Contracting for attorney services must adhere to the following guidelines:

- An applicant for a legal services contract as an attorney must not be a current Pima County employee at the time of application and for the duration of any resulting contract with Pima County.
- Pima County Attorneys, Pima County Public Defenders and Pima County Legal Defenders who were employed by the County for less than five (5) consecutive years may not apply for an indigent legal defense contract for one year following retirement or resignation from Pima County employment.
- Applicants for indigent legal defense contracts must submit appropriate documentation to enable the County to verify the character, ethics and reputation of the applicant. The County must reject the application of any applicant who discloses any criminal charges or criminal complaints, criminal convictions, or the completion of any type of deferred prosecution that constitutes a criminal conviction on the underlying criminal charge within the five year period prior to initial application for an indigent legal defense contract. A rejected applicant may appeal to the Board of Supervisors.
- Naming Rights Agreement: A binding agreement as defined in Board of Supervisors Policy C 3.19.
- Permits: Issuance by the County of permits related to regulatory requirements of a technical nature (i.e., building, flood control, environmental permits, etc.). See Exclusion section below for the exclusion of unilateral, standard form permits and licenses that are issued by the County.
- Real Property Agreements: Real Property Agreements are generally exempt from the Procurement Code per Section 11.04.020 and are not required to follow competitive processes. Real Property agreements may be subject to non-procurement requirements

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under Arizona Revised Statutes Title 11, 28, or 48. Real Property agreements include but are not limited to:

- Services related to land titles, appraisals, acquisitions, dispositions, relocation, or property management.
- Contracts and conveyance instruments involving the acquisition or disposition of any real property interests including the use of County property by other entities or individuals.
- The use by the County of non-County owned property, or the use by third parties of County-owned property pursuant to state statutes on either a short term or long term basis; i.e., leases, licenses, easements, permits, etc.

Supplemental documents and instruments necessary to complete or “close” a transaction (such as deeds, easements, real property closing statements) are not considered as contracts.

- Regulatory Process Contracts: Contracts processed for the approval or acceptance of certifications or undertakings by third parties in connection with any regulatory approval process (i.e., development assurances).
- Revenue Contracts: The income generated from any source, such as sale of goods or services or use of real or personal property.
- Site-specific Agreement: A supplemental agreement as may be reasonably necessary to effectuate the intent of an overarching contract or intergovernmental agreement.
- Software License Agreements: A software license agreement is the legal contract between the licensor and/or author and the purchaser of a piece of software that establishes the rights of the parties. A software license agreement details how and when the software may be used, and provides any restrictions that are imposed on the software. This does not include annual maintenance agreements or as required services.
- Software Maintenance and Support Agreements: A software maintenance and support agreement is the legal contract between the licensor and/or author and the user of software that defines provisions for the updates, upgrades and support of software. This does not include the license or as required services.
- Standard Contracts: Standard contracts include agreements for the competitive acquisition or disposition of materials, general and professional services, including design and construction services within the scope of the Procurement Code, and contracts pursuant to Board of Supervisors Policy D 29.6 and D 29.7.
- Exclusion: The use of the term contract does not include unilateral, standard form permits and licenses that are issued by the County in exchange for payment of a standard fee and are not treated as “contracts” subject to approval and processing through the Procurement

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Department. This includes such things as permits for the temporary exclusive use of park facilities; rights of entry for County officials to enter upon the property of another for temporary use or inspection; and building and other development-related technical permits. The form of these permits and licenses, and any requirements or parameters, with respect to their use, must be approved by the County Attorney's Office and Risk Management. Provided that the requirements and parameters are followed and the standard form of permit or license is used, individual documents of these types need not be reviewed by the County Attorney's Office or Risk Management.

**VI. Contract Development**

- A. Wherever possible, all contract document forms will be initiated and developed by Pima County. Standard contract templates approved "as to form" by the County Attorney's Office are available on the Procurement Department intranet website; other contract forms may be developed and approved "as to form" by or through the County Attorney's office. All contract forms must be developed and approved as defined by Section VII of this policy.
- B. All contract documents must be reviewed, modified, executed and administered in accordance with Procurement Department procedures.
- C. All contracts must include, in general as well as specific provisions, all terms and conditions necessary to maximize protection of Pima County's fiscal, legal, and functional liabilities to the greatest extent possible consistent with the form of contract.

Contracts for the acquisition of goods or services funded by Grant funds may require incorporation of additional terms and conditions to satisfy grant-related or other legal requirements. Departments will consult with the "Grantor", assigned legal counsel and the Finance Department Grants Management Division to identify and ensure inclusion of contract language that specifically assigns satisfaction of those requirements to either County or the Contractor and that optimizes and minimizes all legal, financial and functional liabilities of Pima County.

- D. The Procurement Department, when requested, will provide contract-drafting support to client departments.
- E. The Procurement Department may execute contracts by issuing system-generated contracts, such as Master Agreements for as-required annual contracts, Purchase Orders for discrete orders, or Delivery Orders for Architectural and Engineering projects using Qualified Consultants Lists. Dependent on the dollar amount, an award made by the Board of Supervisors or the Procurement Director may be required prior to the issuance of a system-generated contract. If consistent with the terms of the solicitation, the signed response submitted by the Contractor will constitute a firm and binding offer. Electronic transmission of a Master Agreement, Purchase Order, or Delivery Order, by an authorized agent, results in an executed contract binding upon both parties without further action.

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In processing contract revisions under this section, the Procurement Director will adhere to the requirements of Sections XIV of this Policy.

Nothing in this section will be construed to alter the scope of the Procurement Director's authority as set in Section XII of this Policy, other Board of Supervisors Policy or Pima County Procurement Code. Any contract that exceeds the Procurement Director's authority must be awarded or executed by the Board of Supervisors, with any subsequent amendment awarded or executed by the Board of Supervisors, subject to the exceptions set forth in Sections XII and XIV of this Policy.

**VII. County Attorney Approval as to Form**

- A. All contracts committing the County to \$10,000.00 or more for the duration of the contract and all Intergovernmental Agreements will be approved as to form by the County Attorney's Office before being submitted to the Contractor and to either the Procurement Director or the Board of Supervisors for approval, except as set forth below. Contracts under \$10,000.00, may be executed without the County Attorney's Office approval as to form however, the Procurement Director may, on a case by case basis, request such review and approval.
- B. Notwithstanding the above requirement, contracts for materials, general, professional, architectural, engineering, and construction services, processed pursuant to Section VI E that utilize a form of contract with standard terms and conditions previously approved by the County Attorney's Office, need not be subsequently approved as to form by the County Attorney's Office. The Procurement Director may, on a case by case basis, request such review and approval.
- C. Notwithstanding the above requirement, real property agreements that utilize a form of contract with standard terms and conditions previously approved by the County Attorney's Office, need not be subsequently approved as to form by the County Attorney's Office.

**VIII. Contract Term**

Contracts, except for those that are tied to a specific single project, must have a specific term that does not exceed one year, unless the Procurement Director has approved an initial term of more than one year up to five years with written justification, or there is specific statutory authorization. Unless otherwise provided in the contract, contracts tied to a specific single project will terminate upon project acceptance and final payment by the County and release of retainage, if any. "As-required" contracts with multi-year terms must be evaluated for continuation or modification on an annual basis during the term of the contract. Contracts for the acquisition, conveyance or leasing of an interest in real property, the granting of licenses and franchises and other contracts involving real property may be for a term in excess of one year if in compliance with applicable law. All contracts should specify any terms, such as indemnity provisions, that survive termination or expiration of the contract term.

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**IX. Contract Scope**

Each proposed contract must specifically define the exact materials or services to be provided, and include all monetary and non-monetary commitments of each party. It is the responsibility of the department engaging or acquiring the service or commodity to ensure the Contractor's strict compliance with all terms of the contract.

**X. Monetary Commitments**

All contracts or agreements that involve payment or receipt of monies by the County must have a specific or clearly ascertainable and objectively limited dollar commitment, be it a fixed, budgetary, or "not-to-exceed" amount, or an amount determined by application of a specified formula to specified data (that is, amounts such as verifiable operating expenses for a leased facility that are set at the discretion of the County or the Contractor, and closing costs for real estate acquisitions and sales).

**XI. Central Procurement Administrative Processing and Retention**

A. Except for contracts originated by central Procurement or contracts that pursuant to this Policy do not require processing by Procurement, all contracts must be:

1. Approved as to content by the Department Head or Authorized Signer;
2. Submitted by the Department to the County Attorney for legal review and approval "as to form" as required by this Policy;
3. Signed by the Contractor before submission to the Procurement Department; and
4. Executed by either the Procurement Director or the Board of Supervisors, pursuant to Section XII of this Policy.

Where changes are required, the contract will be returned to the originating Department Head or Authorized Signer, with appropriate recommendations.

B. Upon execution by either the Procurement Director or the Board of Supervisors, or as otherwise authorized by this Policy, the contract must be scanned by the Procurement Department to the County's document management system for viewing on the internet public portal and notification provided to the originating Department and Contractor.

C. One hardcopy of the contract or agreement will be retained by Procurement. Electronic, scanned or copied signatures are acceptable for the retained Procurement copy, unless otherwise indicated by the County Attorney's Office. If other arrangements (e.g. additional hardcopies, triplicate ink signed originals, etc.) are required, the originating department must coordinate this with Procurement at the time of submission of the contract for processing.

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- D. If at any time the Clerk of the Board receives a contract or agreement for execution by the Board of Supervisors that has not been processed through the Procurement Department, the Clerk's Office will email the Procurement Director seeking direction with respect to the contract. The contract will be delivered to Procurement for processing before the Board of Supervisors executes the contract unless the Procurement Director indicates otherwise.

## **XII. Contract Approval**

All contracts must be approved and signed by the Board of Supervisors, Procurement Director, authorized designee, or delegated authority.

- A. The following contracts must be approved and executed by the Board of Supervisors:

- Contracts for professional services procured pursuant to BOS Policy D29.6 greater than \$100,000
- Contracts involving revenues or expenditures greater than \$250,000
- Contracts with a term of more than five years, including all renewals, with the exception of Software License and Software Maintenance and Support Agreements as stated in C below
- Intergovernmental Agreements
- Grant awards made to the County
- Funding agreements authorized by A.R.S. § 11-254

- B. The following awards must be approved by the Board of Supervisors and may be executed by the Procurement Director, or authorized designee:

Contracts pursuant to Section VI E involving revenues or expenditures greater than \$250,000 for discrete purchases or \$250,000 per year for as-required contracts.

- C. The Procurement Director, or authorized designee, can award or approve and execute contracts as follows:

- Contracts for professional services procured pursuant to BOS Policy D 29.6 equal to or less than \$100,000
- Contracts involving revenues or expenditures, equal to or less than \$250,000, or for as-required contracts equal to or less than \$250,000 per year



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<b>Contracts</b>	D 29.4	9 of 11

- Contracts with a term equal to or less than five years, including all renewals, with the exception of Software License and Software Maintenance and Support Agreements as stated below
  - Software License and Software Maintenance and Support Agreements, including renewal periods, that exceed five years, provided the agreement does not obligate the County to an expenditure of more than \$250,000 annually
- D. Delegated Authority can approve and execute contracts only as specifically allowed in their written delegation.
- E. Contracts requiring Board of Supervisors approval, which are deemed necessary to be executed prior to Board of Supervisors action, may be executed by the Chair of the Board of Supervisors and subsequently ratified by the Board of Supervisors.

**XIII. Authorization to Proceed and Retroactive Effective Dates**

Authorization to proceed or performance under the contract is not permitted until after the contract is fully signed and executed. If a department has a particular need to process a contract with a retroactive start date, the contract, with accompanying justification supporting its retroactive execution, must be submitted through the Procurement Department following standard contract processing procedures. The Procurement Director, authorized designee, delegated authority or the Board of Supervisors must review the retroactive reason and make a determination whether processing the contract retroactively is in the best interest of the County. Contracts not approved will be returned to the department with instructions to follow contract procedures to meet these requirements.

**XIV. Contract Modifications/Amendments**

All contract modifications, including but not limited to, scope modifications, time extensions, dollar amount, and/or name, location or contact information changes, must be executed in the form of a contract amendment. Templates for departmental use are available on the Procurement Intranet website. All amendments must be approved and signed by the Procurement Director, authorized designee, delegated authority or the Board of Supervisors.

- A With the exception of Intergovernmental Agreements, grant awards made to County, and Funding Agreements, the Procurement Director may execute an amendment to any contract approved by the Board of Supervisors provided the amendment does not alter the scope of the contract or the monetary commitment of the initial or amended Board of Supervisors award, is limited to term extensions resulting in a maximum contract term of five years as permitted in the original contract, or is for administrative changes such as, but not limited to, an assignment, allowance for non-competed charges such as taxes and freight, and changes to the name, location or contact information of the Contractor.

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<b>Contracts</b>	D 29.4	10 of 11

- B. The Procurement Director may execute an amendment to any contract approved by the Procurement Director provided the amendment is permitted in the original or amended contract and is limited to their authority as defined in section XII.
- C. If specifically allowed under the terms of the solicitation issued by County, and previously awarded by the Board of Supervisors as an annual award with renewals or by the Procurement Department, contracts pursuant to section VI E may be amended by the issuance of a revision to the Master Agreement, Purchase Order, or Delivery Order.

Contracts pursuant to section VI E will be amended by the issuance of a revised Master Agreement, Purchase Order or Delivery Order. The revision is effective and binding upon both parties if the Contractor fails to object to the revision within ten (10) calendar days of the date of issuance by County. Any amendment that exceeds the Procurement Director's authority stated in Section XII must be awarded by the Board of Supervisors, subject to the exceptions in this section.

- D. Delegated Authorities may execute an amendment to any contract approved by the Delegated Authority provided the amendment is permitted in the original or amended contract and is limited to their authority as defined in section XII.

Contract amendments must be processed according to standard contract processing procedures except that certain changes to construction contracts will be processed in accordance with the Procurement Code Section 11.16.010(C).

**XV. Contract Termination**

Any department intending to terminate a contract for convenience or cause must notify the Procurement Director of its intent before termination proceeds. If the Director determines that cause exists to terminate the contract or if the department intends to terminate for convenience, the Procurement Director will notify the Contractor of the County's intent to terminate the Contract. The Procurement Director must then draft a document that terminates the contract in accordance with the termination procedures in the contract and forward that notice document to the authority that executed the original contract for signature, after approval by the County Attorney's Office. If the contract does not specify termination procedures, the effective date must be thirty days after the notice of intent to terminate or as specified in the notice of termination, whichever is earlier. The termination notice must become a part of the official contract file.

**XVI. Administrative Follow-up**

For contracts required to be procured by the Procurement Department as defined by Pima County Procurement Code, the Procurement Department will, in cooperation with involved departments, follow up on matters such as certificates of insurance, payment and performance bonds, retentions, expirations, cancellations, renewals, and other contract administration matters not directly related to delivery of the service or commodity to be supplied under the contract.

<u>Subject:</u>  <b>Contracts</b>	Policy Number	Page
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Contractors and departments must reference the contract number on all bonds, insurance certificates, invoices, credits, correspondence and other documents related to the contract.

**XVII. Procedures**

Specific procedures that detail a uniform process and consistent standards for development, execution, and monitoring of all contracts to protect and maximize the taxpayers' investment in Pima County government pursuant to this Policy will be the responsibility of the Procurement Director.

Adopted Date: August 18, 1997  
Revised Date: November 14, 2000  
December 17, 2002  
November 18, 2003  
May 3, 2005  
September 2005  
October 1, 2005  
July 11, 2006  
August 21, 2006  
November 14, 2006  
February 6, 2007  
April 1, 2011  
November 19, 2013  
September 5, 2017  
Effective Date: October 1, 2017



PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

<u>Subject:</u> <b>Selection and Contracting of Professional Services (Excludes A.R.S. § 34 Engineering/Architect Related Services)</b>	Policy Number	Page
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I. Purpose

To identify procedures for the procurement of all professional services, except:

- Engineering and architect related professional services **which shall must** be procured under Board of Supervisors Policy D 29.1.
- Legal services for pending or anticipated litigation or administrative proceedings **which** are exempt **from the procurement code** under Pima County Procurement Code 11.04.020(C).
- Services related to land titles, appraisals, real property acquisitions, relocation, or property management authorized under **ARS Arizona Revised Statutes (A.R.S.)** Titles 11, 28, or 48 **which** are exempt **from the procurement code** under Pima County Procurement Code 11.04.020(D).

Procurement of medical and healthcare related professional services may be conducted pursuant to this policy by County departments not specifically identified by Board of Supervisors Policy D 29.7.

II. Background

A.R.S. §11-254.01 exempts professional services from the standard competitive bid process and directs the County to establish written policies for the procurement of these services. Professional services are those services rendered by a person engaging in a recognized discipline that requires advanced training and specialized knowledge to perform. Such services also typically result from the predominant use of intellectual skills rather than physical skills. **These Professional services** covered by this policy would include, but **are** not limited to, medical (**inclusive of behavioral health**), financial, legal, education and non-construction related environmental services. **The Procurement Director should be consulted by the administering department before proceeding if there is a question about the required service.**

III. Policy

A. Professional Services Contracts Not To Exceed \$50100,000.

Except as specified in Section B, when contracting for professional services with an estimated total cost not to exceed **\$50100,000** for the expected term of the contract, the administering department **shall will**:

1. Prepare a written scope of work, defining tasks to be performed.

<u>Subject:</u> <b>Selection and Contracting of Professional Services (Excludes A.R.S. § 34 Engineering/Architect Related Services)</b>	Policy Number	Page
	D 29.6	2 of 3

2. Prepare a list of qualified professionals or firms who are capable of performing the required tasks.
3. Solicit written proposals from qualified professionals or firms.
4. Review proposals received and make a selection using valid selection criteria appropriate **to for** the professional service being solicited.
5. Develop a contract and follow standard contract processing procedures in accordance with BOS **Board of Supervisors** Policy D29.4.

B. Professional Services Contracts More Than \$50100,000.

Professional services with an estimated total cost greater than \$50100,000 for the expected term of the contract **shall must** be procured by the Procurement Department in accordance with Procurement Code Section 11.12.030.

C. Direct Selection

~~Upon the review of the Procurement Director and with~~ **With** the written approval of the County Administrator, for the purpose of obtaining contracts with the most qualified professionals who can provide the services required by the County within the existing time restrictions, professional services may be procured by the administering department as follows:

1. Staff identifies a professional service to be performed by an outside consultant.
2. Staff identifies one or more known professionals who can perform the services in the timeframe required by the County.
3. ~~Through the Procurement Director, administering department~~ Staff obtains the written approval of the County Administrator.
4. Staff consults with the professional(s) and reaches an agreement on fees and scope of work. No additional solicitation is required.
5. Staff drafts a contract for the Procurement Director's approval and follows standard contract processing procedures in accordance with BOS **Board of Supervisors** Policy D29.4.

<u>Subject:</u> <b>Selection and Contracting of Professional Services (Excludes A.R.S. § 34 Engineering/Architect Related Services)</b>	Policy Number	Page
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D. Signature Authority

1. The ~~p~~Procurment ~~d~~Director may approve contracts for professional services with an estimated total cost to the County not to exceed ~~\$50~~\$50100,000 for the duration of the contract.
2. All other professional services contracts **shall must** be submitted for the Board **of Supervisors** approval, including any amendment to a contract executed under subsection D(1) that will result in the estimated total cost to the County increasing to more than ~~\$50~~\$50100,000 for the duration of the contract.

Adopted Date: April 1, 2011  
Revised Date: September 5, 2017  
Effective Date: October 1, 2017



**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

<b>Subject:</b>  <b>Selection and Contracting of Professional Services (Excludes A.R.S. § 34 Engineering/Architect Related Services)</b>	<b>Policy Number</b>	<b>Page</b>
	D 29.6	1 of 3

**I. Purpose**

To identify procedures for the procurement of all professional services, except:

- Engineering and architect related professional services must be procured under Board of Supervisors Policy D 29.1.
- Legal services for pending or anticipated litigation or administrative proceedings are exempt under Pima County Procurement Code 11.04.020(C).
- Services related to land titles, appraisals, real property acquisitions, relocation, or property management authorized under Arizona Revised Statutes (A.R.S.) Titles 11, 28, or 48 are exempt under Pima County Procurement Code 11.04.020(D).

Procurement of medical and healthcare related professional services may be conducted pursuant to this policy by County departments not specifically identified by Board of Supervisors Policy D 29.7.

**II. Background**

A.R.S. § 11-254.01 exempts professional services from the standard competitive bid process and directs the County to establish written policies for the procurement of these services. Professional services are those services rendered by a person engaging in a recognized discipline that requires advanced training and specialized knowledge to perform. Such services also typically result from the predominant use of intellectual skills rather than physical skills. Professional services covered by this policy would include, but are not limited to, medical (inclusive of behavioral health), financial, legal, education and non-construction related environmental services. The Procurement Director should be consulted by the administering department before proceeding if there is a question about the required service.

**III. Policy**

**A. Professional Services Contracts Not To Exceed \$100,000.**

Except as specified in Section B, when contracting for professional services with an estimated total cost not to exceed \$100,000 for the expected term of the contract, the administering department will:

1. Prepare a written scope of work, defining tasks to be performed.

<b>Subject:</b>  <b>Selection and Contracting of Professional Services  (Excludes A.R.S. § 34 Engineering/Architect Related  Services)</b>	Policy Number	Page
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2. Prepare a list of qualified professionals or firms who are capable of performing the required tasks.
3. Solicit written proposals from qualified professionals or firms.
4. Review proposals received and make a selection using valid selection criteria appropriate for the professional service being solicited.
5. Develop a contract and follow standard contract processing procedures in accordance with Board of Supervisors Policy D29.4.

**B. Professional Services Contracts More Than \$100,000.**

Professional services with an estimated total cost greater than \$100,000 for the expected term of the contract must be procured by the Procurement Department in accordance with Procurement Code Section 11.12.030.

**C. Direct Selection**

With the written approval of the County Administrator, for the purpose of obtaining contracts with the most qualified professionals who can provide the services required by the County within the existing time restrictions, professional services may be procured by the administering department as follows:

1. Staff identifies a professional service to be performed by an outside consultant.
2. Staff identifies one or more known professionals who can perform the services in the timeframe required by the County.
3. Staff obtains the written approval of the County Administrator.
4. Staff consults with the professional(s) and reaches an agreement on fees and scope of work. No additional solicitation is required.
5. Staff drafts a contract for the Procurement Director's approval and follows standard contract processing procedures in accordance with Board of Supervisors Policy D29.4.

**D. Signature Authority**

1. The Procurement Director may approve contracts for professional services with an estimated total cost to the County not to exceed \$100,000 for the duration of the contract.
2. All other professional services contracts must be submitted for the Board of Supervisors approval, including any amendment to a contract executed under subsection D(1) that will



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result in the estimated total cost to the County increasing to more than \$100,000 for the duration of the contract.

Adopted Date: April 1, 2011  
Revised Date: September 5, 2017  
Effective Date: October 1, 2017



PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

<u>Subject:</u> <b>Selection and Contracting Medical and Health-Related Professional Services</b>	Policy Number	Page
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Reference

Arizona Revised Statutes (A.R.S.) Sections 8-245, 11-251(60), and 11-291, 11-297, 13-1414, 31-165, 36-545.06 and 36-717.

I. Purpose

This procedure defines the procurement requirements for acquiring ~~human~~ medical and health-related professional services necessary for the administration of Pima County's health care function. "Professional services" are services involving specialized knowledge, skill and expertise provided by persons with advanced training and experience in a field that requires an extended course of specialized instruction or study. Medical and health-related professional services involve the application of medical, dental, psychiatric, and/or other health field knowledge and experience and/or professional license, certification or registration to accomplish complex treatment and/or service objectives.

II. Policy

This policy is divided into three sections:

- General Provisions
- Procurement of Professional Services with an estimated annual cost of \$250,000 or less
- Procurement of Professional Services with an estimated annual cost greater than \$250,000

III. General Provisions

A. All procurement for medical and health-related professional services **shall will** be controlled by the Heads of the departments listed below.

1. Pima County Health Department
2. ~~Office of Medical Services~~ Behavioral Health Department
3. Pima Animal Care Center

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<b>Selection and Contracting Medical and Health-Related Professional Services</b>	D 29.7	2 of 6

- B. The annual cumulative total cost of individual projects under any one procurement **shall will** determine the appropriate procedures to be utilized under this policy. In the event that responses for the services solicited are inadequate, insufficient, or not in the best interest of Pima County, the Board of Supervisors may reject the responses received and direct the appropriate department to revise and/or reissue the solicitation.
- C. When provided for in the solicitation, discussions may be conducted with responsible respondents who submit responses determined to be reasonably **susceptible plausible** of being selected for award. Such discussions **shall will** be for the purpose of securing the terms and conditions most advantageous to Pima County. Any changes to a response subsequent to such discussions **shall must** be submitted in writing by the respondents within five (5) business days.
1. Respondents **shall must** be accorded fair and equal treatment with respect to any opportunity for discussion and revision of responses.
  2. The Department **shall will** keep a record of all discussions in the procurement record.
  3. In conducting discussions, there **shall must** be no disclosure of any information derived from responses submitted by competing respondents.
- D. Contracts in an amount up to \$250,000 per year may be executed by the Procurement Director. Contracts in an amount more than \$250,000 per year and all contracts for an initial term of more than five years must be approved and executed by the Board of Supervisors.
- E. Once a contract has been awarded and duly executed, the Department Head or designated staff **shall will** be responsible for the administration of the contract regardless of the dollar value. Modifications to a contract **shall must** be in the form of a written amendment prepared and processed by the Department Head or designated staff and **shall must** be executed by the original signatories.
- F. Services procured under this policy will be for a term of one year unless a longer duration is approved in conformance with this policy. The Department Head may authorize the procurement of medical and health-related professional services for an initial term of two (2) years with possible extensions, through properly executed amendments, for up to three (3) additional one (1) year terms. The Procurement Director may authorize, in writing, a contract for a medical and health-related professional service for a term not to exceed five (5) years. The determination of contract duration **shall must** be based on sound business judgment and the Procurement Director and Department Head **shall will** endeavor to **assure ensure** that the contract is the most advantageous to Pima County.
- G. All procurement under these procedures **shall must** follow Pima County Code Title 20 and applicable Pima County policy and procedures developed for the promotion of participation by

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Selection and Contracting Medical and Health-Related Professional Services	D 29.7	3 of 6

small business enterprises.

- H. Emergency procurement **shall must** be conducted in accordance with the Procurement Code Section 11.12.060.
- I. Procurement procedures under this policy may be waived by the Department Head if one of the following applies:
1. Sole source procurement.
  2. To meet legal or regulatory mandates ~~of a contract. (Example: AHCCGS Special Provisions).~~
  3. Existing providers where continuity of care is a primary consideration as long as reasonable market rates are in effect.
  4. ~~Any provider where disruption of service is a primary consideration as long as reasonable market rates are in effect.~~  
Cases in which a primary consideration is for:
    - a. providers who either provide a limited-availability service (such as evaluation agencies indicated in A.R.S. 36-545.06),
    - b. providers who provide services in a health professional shortage area in which the overall potential providers are limited, or
    - c. providers willing to see patients that most providers are not (such as jail detainees), as long as reasonable market rates are in effect.
  5. ~~Revenue agreements.~~
  65. Grant agreements or Intergovernmental Agreements (IGA) where adhering to this policy would result in non-compliance with the terms of the grant or IGA, or would contradict express direction of the grantor.
  76. Contracts with "any willing, qualified provider" wherein:
    - a. the Department or statute sets the reimbursement rates, and
    - b. **where** all willing and qualified providers are needed to meet capacity requirements, or
    - c. providers are needed in an area with a shortage of relevant health providers, or
    - d. **where** unique provider attributes best serve the Department's needs (e.g. **hospice with religious affiliation ability to provide for jail detainees or specialized tuberculosis-**

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<b>Selection and Contracting Medical and Health-Related Professional Services</b>	D 29.7	4 of 6

related services).

The Administrator/Director Department Head will ensure that reasonable, market based rates are established, unless indicated in statute.

**IV. Procurement of medical and health-related professional services with an estimated annual cost of \$250,000 or less**

- A. To procure medical and health-related professional services that are estimated to cost \$250,000 or less annually, the following documentation and information will be reviewed and approved by the Department Head:
1. The duration of the contract;
  2. A written scope, defining with specificity, the services needed and the tasks to be performed under the contract;
  3. The payment basis and total cost to Pima County; and,
  4. Any other pertinent information helpful or requested in the procurement process.
- B. The Department Head or designated staff **shall will:**
1. Develop a list of professionals/ firms available and capable of performing the services and tasks;
  2. Request solicitations from available and qualified providers on the list developed;
  3. Review responses received and make a selection using valid selection criteria appropriate for the professional service being procured;
  4. Develop the contract and process in accordance with Pima County contract processing procedures, **assuring ensuring** that the solicitation number is referenced in the contract document; and,
  5. Obtain County Attorney review and approval as to form, on any agreement when the contract includes terms different than, or in addition to, the County standard contract terms, and when legal advice is necessary to protect the interest of the County.
  - 6. Obtain Risk Management review and approval on any agreement when the contract includes terms different than, or in addition to, the County standard contract insurance terms and/or limits.**

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<b>Selection and Contracting Medical and Health-Related Professional Services</b>	D 29.7	5 of 6

**V. Procurement of medical and health-related professional services with an estimated annual cost of more than \$250,000**

A. To procure medical and health-related professional services estimated to cost more than \$250,000 annually, the following documentation and information **shall will** be reviewed and approved by the Department Head:

1. The duration of the contract;
2. A written scope, defining with specificity, the services needed and the tasks to be performed under the contract;
3. The payment basis and total cost to Pima County;
4. All appropriate and valid measures for distinguishing and evaluating quality among qualified providers; and,
5. A description of any unique requirements for the services requested.

B. The Department Head or designated staff **shall will**:

1. Develop a list of professionals/firms available and capable of performing the services and tasks;
2. Develop and prepare the solicitation;
3. Review the completed solicitation prior to advertising;
4. When circumstances warrant, recruit a team to develop and evaluate the responses submitted in response to the solicitation for a particular procurement. The team **shall must** be composed of no fewer than two members and **shall must** have at least one representative from the administering department and/or one technical expert;
5. **Assure Ensure** that the solicitation states all of the valid selection criteria~~on~~, the weight to be assigned each criteria~~on~~ which will be used to evaluate the responses, and contains a sample of the contract;
6. Provide public notice of the solicitation in the official newspaper of Pima County for a minimum of four days, at least 10 days in advance of the date completed responses must be received and post the solicitation on the County web site. Notice **shall must** briefly describe the service, the location where the solicitation packet may be obtained, and the closing date for receipt of the completed responses.

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7. If a selection team was formed, as pursuant to **number 4** above, the team **shall must** evaluate the responses in accordance with the selection criteria and weights as stated in the solicitation. During the evaluation, the team may elect to interview, visit service sites, and/or review service methodologies on-site of those respondents who might be reasonably susceptible of being selected for contract award. Any interviews conducted **shall must** be uniform in nature and a record of all discussions and site visit results **shall must** be kept in the procurement record. In conducting any interviews, visits, or methodology reviews, there **shall must** be no disclosure of any information derived from responses submitted by, or interviews or site visits with, competing offerors; and,
8. **Obtain Risk Management review and approval on any agreement when the contract includes terms different than, or in addition to, the County standard contract insurance terms and/or limits.**
89. Obtain County Attorney review and approval, as to form, **when required**, on any agreement when the contract includes terms different than, or in addition to, the County standard contract terms and when legal advice is necessary to protect the interest of the County.

**VI. Protests**

Protests **shall must** be handled in accordance with the provisions of Pima County Procurement Code Section 11.20.10.

Adoption Date:	November 3, 1998
Revised Date:	April 11, 2000
	November 14, 2000
	January 21, 2003
	May 3, 2005
	April 1, 2011
	March 18, 2014
	September 5, 2017
Effective Date:	October 1, 2017



**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

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**Reference**

Arizona Revised Statutes (A.R.S.) Sections 8-245, 11-251(60), 11-291, 11-297, 13-1414, 31-165, 36-545.06 and 36-717.

**I. Purpose**

This procedure defines the procurement requirements for acquiring medical and health-related professional services necessary for the administration of Pima County's health care function. Professional services are services involving specialized knowledge, skill and expertise provided by persons with advanced training and experience in a field that requires an extended course of specialized instruction or study. Medical and health-related professional services involve the application of medical, dental, psychiatric, and/or other health field knowledge and experience and/or professional license, certification or registration to accomplish complex treatment and/or service objectives.

**II. Policy**

This policy is divided into three sections:

- General Provisions
- Procurement of Professional Services with an estimated annual cost of \$250,000 or less
- Procurement of Professional Services with an estimated annual cost greater than \$250,000

**III. General Provisions**

A. All procurement for medical and health-related professional services will be controlled by the Heads of the departments listed below.

1. Pima County Health Department
2. Behavioral Health Department
3. Pima Animal Care Center

B. The annual cumulative total cost of individual projects under any one procurement will determine the appropriate procedures to be utilized under this policy. In the event that responses for the



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services solicited are inadequate, insufficient, or not in the best interest of Pima County, the Board of Supervisors may reject the responses received and direct the appropriate department to revise and/or reissue the solicitation.

- C. When provided for in the solicitation, discussions may be conducted with responsible respondents who submit responses determined to be reasonably plausible of being selected for award. Such discussions will be for the purpose of securing the terms and conditions most advantageous to Pima County. Any changes to a response subsequent to such discussions must be submitted in writing by the respondents within five (5) business days.
  - 1. Respondents must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of responses.
  - 2. The Department will keep a record of all discussions in the procurement record.
  - 3. In conducting discussions, there must be no disclosure of any information derived from responses submitted by competing respondents.
- D. Contracts in an amount up to \$250,000 per year may be executed by the Procurement Director. Contracts in an amount more than \$250,000 per year and all contracts for an initial term of more than five years must be approved and executed by the Board of Supervisors.
- E. Once a contract has been awarded and duly executed, the Department Head or designated staff will be responsible for the administration of the contract regardless of the dollar value. Modifications to a contract must be in the form of a written amendment prepared and processed by the Department Head or designated staff and must be executed by the original signatories.
- F. Services procured under this policy will be for a term of one year unless a longer duration is approved in conformance with this policy. The Department Head may authorize the procurement of medical and health-related professional services for an initial term of two (2) years with possible extensions, through properly executed amendments, for up to three (3) additional one (1) year terms. The Procurement Director may authorize, in writing, a contract for a medical and health-related professional service for a term not to exceed five (5) years. The determination of contract duration must be based on sound business judgment and the Procurement Director and Department Head will endeavor to ensure that the contract is the most advantageous to Pima County.
- G. All procurement under these procedures must follow Pima County Code Title 20 and applicable Pima County policy and procedures developed for the promotion of participation by small business enterprises.
- H. Emergency procurement must be conducted in accordance with the Procurement Code Section 11.12.060.

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<b>Selection and Contracting Medical and Health-Related Professional Services</b>	D 29.7	3 of 6

- I. Procurement procedures under this policy may be waived by the Department Head if one of the following applies:
  1. Sole source procurement.
  2. To meet legal or regulatory mandates.
  3. Existing providers where continuity of care is a primary consideration as long as reasonable market rates are in effect.
  4. Cases in which a primary consideration is for:
    - a. providers who either provide a limited-availability service (such as evaluation agencies indicated in A.R.S. 36-545.06),
    - b. providers who provide services in a health professional shortage area in which the overall potential providers are limited, or
    - c. providers willing to see patients that most providers are not (such as jail detainees), as long as reasonable market rates are in effect.
  5. Grant agreements or Intergovernmental Agreements (IGA) where adhering to this policy would result in non-compliance with the terms of the grant or IGA, or would contradict express direction of the grantor.
  6. Contracts with "any willing, qualified provider" where:
    - a. the Department or statute sets the reimbursement rates, and
    - b. all willing and qualified providers are needed to meet capacity requirements, or
    - c. providers are needed in an area with a shortage of relevant health providers, or
    - d. unique provider attributes best serve the Department's needs (e.g. ability to provide for jail detainees or specialized tuberculosis-related services).

The Administrator/Director Department Head will ensure that reasonable, market based rates are established, unless indicated in statute.

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<b>Selection and Contracting Medical and Health-Related Professional Services</b>	D 29.7	4 of 6

**IV. Procurement of medical and health-related professional services with an estimated annual cost of \$250,000 or less**

A. To procure medical and health-related professional services that are estimated to cost \$250,000 or less annually, the following documentation and information will be reviewed and approved by the Department Head:

1. The duration of the contract;
2. A written scope, defining with specificity, the services needed and the tasks to be performed under the contract;
3. The payment basis and total cost to Pima County; and,
4. Any other pertinent information helpful or requested in the procurement process.

B. The Department Head or designated staff will:

1. Develop a list of professionals/ firms available and capable of performing the services and tasks;
2. Request solicitations from available and qualified providers on the list developed;
3. Review responses received and make a selection using valid selection criteria appropriate for the professional service being procured;
4. Develop the contract and process in accordance with Pima County contract processing procedures, ensuring that the solicitation number is referenced in the contract document; and,
5. Obtain County Attorney review and approval as to form, on any agreement when the contract includes terms different than, or in addition to, the County standard contract terms, and when legal advice is necessary to protect the interest of the County.
6. Obtain Risk Management review and approval on any agreement when the contract includes terms different than, or in addition to, the County standard contract insurance terms and/or limits.

**V. Procurement of medical and health-related professional services with an estimated annual cost of more than \$250,000**

A. To procure medical and health-related professional services estimated to cost more than \$250,000 annually, the following documentation and information will be reviewed and approved by the Department Head:

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1. The duration of the contract;
  2. A written scope, defining with specificity, the services needed and the tasks to be performed under the contract;
  3. The payment basis and total cost to Pima County;
  4. All appropriate and valid measures for distinguishing and evaluating quality among qualified providers; and,
  5. A description of any unique requirements for the services requested.
- B. The Department Head or designated staff will:
1. Develop a list of professionals/firms available and capable of performing the services and tasks;
  2. Develop and prepare the solicitation;
  3. Review the completed solicitation prior to advertising;
  4. When circumstances warrant, recruit a team to develop and evaluate the responses submitted in response to the solicitation for a particular procurement. The team must be composed of no fewer than two members and must have at least one representative from the administering department and/or one technical expert;
  5. Ensure that the solicitation states all of the valid selection criterion, the weight to be assigned each criterion which will be used to evaluate the responses, and contains a sample of the contract;
  6. Provide public notice of the solicitation in the official newspaper of Pima County for a minimum of four days, at least 10 days in advance of the date completed responses must be received and post the solicitation on the County web site. Notice must briefly describe the service, the location where the solicitation packet may be obtained, and the closing date for receipt of the completed responses.
  7. If a selection team was formed, as pursuant to number 4 above, the team must evaluate the responses in accordance with the selection criteria and weights as stated in the solicitation. During the evaluation, the team may elect to interview, visit service sites, and/or review service methodologies on-site of those respondents who might be reasonably susceptible of being selected for contract award. Any interviews conducted must be uniform in nature and a record of all discussions and site visit results must be kept in the procurement record. In conducting any interviews, visits, or methodology reviews, there must be no disclosure of any

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information derived from responses submitted by, or interviews or site visits with, competing offerors; and,

8. Obtain Risk Management review and approval on any agreement when the contract includes terms different than, or in addition to, the County standard contract insurance terms and/or limits.
9. Obtain County Attorney review and approval, as to form, when required, on any agreement when the contract includes terms different than, or in addition to, the County standard contract terms and when legal advice is necessary to protect the interest of the County.

**VI. Protests**

Protests must be handled in accordance with the provisions of Pima County Procurement Code Section 11.20.10.

Adoption Date:	November 3, 1998
Revised Date:	April 11, 2000 November 14, 2000 January 21, 2003 May 3, 2005 April 1, 2011 March 18, 2014 September 5, 2017
Effective Date:	October 1, 2017



PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

<u>Subject:</u> <b>Small Business Enterprise</b>	Policy Number	Page
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I. Purpose

To ensure the administration of the Small Business Enterprise (SBE) Participation Program, including the coordination of the program among various County departments, is in accordance with the Pima County Code, Board of Supervisors Policies and Procurement Procedures.

II. Scope

This policy applies to all eligible contract, purchase and project procurements performed by and for Pima County, except those specifically exempted in the **Small Business Enterprise SBE Ordinance**, Title 20, which include but are not limited to; sole source contracts, petty cash purchases, emergency purchases, non-competitive purchases and medical and legal services. **This policy does not apply to contracts funded with federal funds.**

III. Policy

- A. The Pima County Procurement Department has approved the SBE Certification process from the City of Tucson **and the use of their approved SBEs database. Approved SBEs can be located on the Procurement internet site.**
- B. In accordance with Pima County Code Title 11.12.040 **and 20.16.010**, the Departments **shall must** contact at least one SBE **vender**, if available and practicable, **for eligible Goods and General non-professional service procurements over \$1,000.00 for purchases of materials and general services estimated annually to cost at least \$1,000.00 but less than \$100,000.00.** A bid preference of 5% for local, certified SBEs, will be applied for all **goods materials** and general services **informal solicitations exceeding \$4999.99 from \$10,000.00 to \$500,000.00, inclusive, per contract year.**
- C. ~~In accordance with Pima County Code Title 11.12.040, for purchases of goods estimated annually to cost less than \$5,000, the Departments shall obtain as much competition as is practicable, including qualified and available SBE firms. A bid preference of 5% for local, certified SBEs, will be applied for all goods and general services informal solicitations exceeding \$4999.99.~~
1. ~~Department buyers can search for available SBE vendors online at <http://www.pima.gov/procure/sbe/sbedir.pdf>~~
- DC. In accordance with Pima County Code Title 11.12.040**030 and 20.20.010**, purchases of professional services (not including architectural or engineering professional services), **shall be in accordance with Board Policy D.29.6. when procured by the Procurement Department, may be assigned up to 10% of the total evaluation points for the participation of certified SBE, joint ventures of SBE and non-SBE firms, and equal**

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**opportunity compliance.**

- ED.** In accordance with Pima County Code Title 20.16.010(B), the Procurement Department may reserve up to 10% of the annual dollar value of selected goods and general (non-professional) services procurement opportunities for competition only among County certified SBE's **firms**. Such limited competition will not provide for a 5% preference as specified in III.B above.
- FE.** Architectural or Engineering professional services **shall must** be procured in accordance with Title 34 of the Arizona Revised Statutes and applicable county **County** policies and procedures. The Procurement Department may assign up to 10% of the total evaluation points for the participation of certified **small business enterprises** (SBE), joint ventures of SBE and non-SBE firms, and equal opportunity compliance.
- GF.** The Procurement Department **shall will** review all Public Works construction projects, except those that require a Disadvantaged Business Enterprise (DBE) goal pursuant to State and Federal law, estimated to cost ~~in excess of \$50,000.00~~ **equal to or greater than \$100,000.00** to determine if subcontracting goals are feasible.
- HG.** The Procurement Department **shall will** ensure that construction contracts are in compliance with the set SBE goals pursuant to the SBE Ordinance No 2008-265, 1997-44, Section 20.28.050 and 20.28.060.

**IV. Procurement Department Responsibility**

**A. Vendor Relations Business Enterprise**

1. The ~~Vendor Relations/ SBE Division~~ **Business Enterprise Program Coordinator** is responsible for maintaining the Pima County Vendor Database to identify ready, willing and able SBEs that can be notified or utilized to meet the requirements of this policy.
2. The ~~Vendor Relations/ SBE Division~~ **Business Enterprise Program Coordinator** is responsible for ensuring that the link to the City of Tucson Certified List of SBEs is available to search for ready, willing and able SBEs.

**B. Materials and General Services**

**Solicitation and Bid Preference**

1. The assigned Commodity/Contracts Officer or the Department Buyer is responsible for soliciting at least one Certified SBE **vendor**, if available and practicable, for every eligible solicitation ~~over \$5,000~~ **equal to or greater than \$10,000.00. when SBE firms are available.**
2. The assigned Commodity/Contracts Officer is responsible for allocating a five percent bid preference on bids received from local certified SBEs. for every eligible solicitation ~~over \$4999.99~~ **between \$10,000.00 and \$500,000.00, inclusive, per contract year.** As defined in Policy III.G-D, above, the five percent bid preference ~~does not~~ **DOES NOT**

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apply to reserve contract solicitations.

Reserve Contracts

1. The ~~Vendor Relations/ SBE Division~~ **Business Enterprise Program Coordinator** is responsible for conducting outreach to all certified SBEs to inform them of the reserve contracts program and **shall will** notify the SBEs that ~~in order~~ to be considered for any reserve contracts, ~~their firm they~~ must register as a vendor with Pima County.
2. The assigned Commodity/Contracts Officer may reserve competition of materials and general non-professional services to local certified SBEs, when the requisition and SBE availability **meet all** of the criteria set forth below. ~~in items 4(a) through 4(c).~~
  - a) Requisition estimated annual total value does not exceed the bid threshold of ~~\$50,000~~ **100,000.00**.
  - b) Requisition will be processed through an informal solicitation.
  - c) There must be three (3) or more certified SBEs available to provide the requested materials and/or general services. ~~SBEs firms~~ must be registered with Pima County at the time of the informal solicitation ~~in order~~ to be considered for reserve contract.
3. The ~~Vendor Relations/ SBE Division~~ **Business Enterprise Program Coordinator** will audit the Materials and Services requisitions and awards to ensure compliance with the ~~SBE Ordinance Pima County Code Title 20~~.

C. Architectural and Engineering Services **and Professional Services**

1. The assigned Commodity/Contracts Officer is responsible for providing the ~~SBE Division Business Enterprise Program Coordinator~~ with copies of the Affirmative Action Statements and the Team Utilization Forms in response to each Solicitation for Qualifications (SFQ) **or Request for Proposal**.
2. The ~~Vendor Relations/ SBE Division~~ **Business Enterprise Program Coordinator** **shall will** review the Affirmative Action Statements and the Team Utilization Forms and **shall will** assign up to 10% of the total evaluation points for the equal opportunity statement and SBE participation for each submittal.
3. ~~Vendor Relations/ SBE Division~~ **The Business Enterprise Program Coordinator** is responsible for obtaining Annual Statements of Team Utilization to ensure that ~~SBEs firms~~ are being utilized as listed on the Project Team Member Utilization Forms, submitted with proposals for all Architectural and Engineering Contracts.

D. Construction Projects

1. The Departments are responsible for submitting a detailed cost or engineer's estimate for construction projects to the Procurement Department for review to determine if an SBE Goal should be established.



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- a) Job Order Contracts (JOC) SBE Goals will be determined prior to solicitation using reasonable estimates provided by the requesting Department's Project Manager. ~~(See Item IV.C.5(a) through (f) for goal setting process).~~ Each ~~Job Order Contract~~ **JOC** with an established SBE goal will be reviewed annually, prior to renewal of contract, to re-determine SBE Goals using reasonable estimates from each prime contractor. Compliance with SBE goals shall **must** be a factor in determining whether to renew.
  - b) Construction Manager at Risk (CMAR) SBE Goals **shall must** be determined prior to approval of the guaranteed maximum price (GMP) using the estimate provided by the ~~Construction Manager/Prime~~ **CMAR**. ~~(See Item IV.C.5(a) through (f) for goal setting process)~~
  - c) Competitive Bid Construction Projects SBE Goals will be determined prior to solicitation using the engineer's estimate or reasonable estimate provided by requesting Department's Project Manager. ~~(See Item IV.C.5(a) through (f) for goal setting process)~~
2. The assigned Commodity/Contracts Officer is responsible to submit a copy of the cost or engineer's estimate to the **SBE Business Enterprise** Program Coordinator to determine if an SBE Goal should be established for all competitive bid construction projects greater than **\$50100,000**.
  3. The assigned Commodity/Contracts Officer is responsible to ensure that all contractors with ~~Construction Manager at Risk (CMAR)~~ **CMAR** contracts contact the **SBE Program Business Enterprise Program Coordinator** for determination of a goal prior to submittal of GMP for construction.
  4. ~~The Vendor Relations/ SBE Division is responsible to ensure that all contractors with Job Order Contracts (JOC), with SBE goals, submit a reasonable estimate for a job selected by the SBE Program Coordinator to re-determine the SBE goal prior to the annual renewal of the Job Order Contract.~~
- a.4. The assigned Commodity/Contracts Officer is responsible to **contact the Business Enterprise Program Coordinator** to ensure that all ~~Job Oder Contracts (JOC)~~ **JOCs** with assigned SBE goals have been reviewed for re-determination of the SBE goal prior to processing the annual renewal of the contract.
  5. The ~~Vendor Relations/ SBE Division~~ **Business Enterprise Program Coordinator** is responsible for determining if an SBE Goal should be established for every ~~job order contract~~ **JOC** and construction project **\$50100,000** or greater that does not have a DBE goal. ~~The Vendor Relations/ SBE Division shall:~~
    - a. ~~Review the project estimate trade detail and categories and may contact the Project Manager or the Commodity Contracts Officer to clarify subcontracting opportunities.~~

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- ~~b. Match the present availability of qualified SBE firms to the relevant subcontracting trades, using the current City of Tucson SBE Certification List.~~
- ~~c. Any category trade that does not have at least two (2) ready, willing and available SBEs will not be utilized in the goal setting process due to insufficient competition and limited SBE availability.~~
- ~~d. SBE subcontractors must be properly licensed for the trades identified to be utilized in the goal setting process.~~
- ~~e. Determine the SBE Goal by multiplying the total number of SBE subcontractors available by the percent (%) total value of overall SBE subcontracting opportunities. (Percentage of subcontractors available is calculated by dividing the total dollar amount of SBE opportunities by the total construction cost, which may include design omissions, general conditions, contractor's fees, bonds and insurance and tax. It does not include alternates.)~~
66. Goals less than 4% or greater than 15% **shall must** be reviewed and approved by the Procurement Director.
67. The ~~Vendor Relations/ SBE Division Business Enterprise Program Coordinator~~ shall **will** evaluate all bid submittals on projects with SBE goals to ensure that the SBE goals are met and that all of the required documentation has been submitted. All requests for full or partial waivers will be reviewed for approval or denial.
- a. In accordance with Title ~~20.040.030(B)~~ **20.32.040**, SBEs certified through a government agency process approved by Pima County will be considered eligible to meet the Pima County SBE goal.
- b. All bid submittals requesting Good Faith Effort/Request for Partial or Complete Waiver of the established goal **shall must** meet the requirements of Title 20.24.030.
78. The ~~Vendor Relations/ SBE Division Business Enterprise Program Coordinator~~ is responsible for maintaining records for SBE utilization to ensure compliance with the SBE requirements pursuant to ~~the Small Business Enterprise SBE~~ Ordinance No 2008-265, 1997-44, Section 20.28.050 and 20.28.060, for each construction project that has an SBE goal.

## V. Procedure

- A. Specific procedures that detail a uniform process and consistent standards for development, execution, and monitoring of all contracts to ensure compliance with ~~Small Business Enterprise SBE~~ Title 20 pursuant to this Policy **shall will** be the responsibility of the Procurement Director.

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Adopted Date: April 1, 2011  
Revised Date: November 19, 2013  
September 5, 2017  
Effective Date: October 1, 2017



**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

<b>Subject:</b> <b>Small Business Enterprise</b>	<b>Policy Number</b>	<b>Page</b>
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**I. Purpose**

To ensure the administration of the Small Business Enterprise (SBE) Participation Program, including the coordination of the program among various County departments, is in accordance with the Pima County Code, Board of Supervisors Policies and Procurement Procedures.

**II. Scope**

This policy applies to all eligible contract, purchase and project procurements performed by and for Pima County, except those specifically exempted in the SBE Ordinance, Title 20, which include but are not limited to; sole source contracts, petty cash purchases, emergency purchases, non-competitive purchases and medical and legal services. This policy does not apply to contracts funded with federal funds.

**III. Policy**

- A. The Pima County Procurement Department has approved the SBE Certification process from the City of Tucson and the use of their approved SBEs database. Approved SBEs can be located on the Procurement internet site.
- B. In accordance with Pima County Code Title 11.12.040 and 20.16.010, Departments must contact at least one SBE, if available and practicable, for purchases of materials and general services estimated annually to cost at least \$1,000.00 but less than \$100,000.00. A bid preference of 5% for local, certified SBEs, will be applied for all materials and general services solicitations from \$10,000.00 to \$500,000.00, inclusive, per contract year.
- C. In accordance with Pima County Code Title 11.12.030 and 20.20.010, purchases of professional services (not including architectural or engineering professional services), when procured by the Procurement Department, may be assigned up to 10% of the total evaluation points for the participation of certified SBE, joint ventures of SBE and non-SBE firms, and equal opportunity compliance.
- D. In accordance with Pima County Code Title 20.16.010(B), the Procurement Department may reserve up to 10% of the annual dollar value of selected goods and general (non-professional) services procurement opportunities for competition only among County certified SBE firms. Such limited competition will not provide for a 5% preference as specified in III.B above.

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- E. Architectural or Engineering professional services must be procured in accordance with Title 34 of the Arizona Revised Statutes and applicable County policies and procedures. The Procurement Department may assign up to 10% of the total evaluation points for the participation of certified, joint ventures of SBE and non-SBE firms, and equal opportunity compliance.
- F. The Procurement Department will review all Public Works construction projects, except those that require a Disadvantaged Business Enterprise (DBE) goal pursuant to State and Federal law, estimated to cost equal to or greater than \$100,000.00 to determine if subcontracting goals are feasible.
- G. The Procurement Department will ensure that construction contracts are in compliance with the set SBE goals pursuant to the SBE Ordinance No 2008-265, 1997-44, Section 20.28.050 and 20.28.060.

#### **IV. Procurement Department Responsibility**

##### **A. Business Enterprise**

- 1. The Business Enterprise Program Coordinator is responsible for maintaining the Pima County Vendor Database to identify ready, willing and able SBEs that can be notified or utilized to meet the requirements of this policy.
- 2. The Business Enterprise Program Coordinator is responsible for ensuring that the link to the City of Tucson Certified List of SBEs is available to search for ready, willing and able SBEs.

##### **B. Materials and General Services**

###### **Solicitation and Bid Preference**

- 1. The assigned Commodity/Contracts Officer or the Department Buyer is responsible for soliciting at least one Certified SBE, if available and practicable, for every eligible solicitation equal to or greater than \$10,000.00.
- 2. The assigned Commodity/Contracts Officer is responsible for allocating a five percent bid preference on bids received from local certified SBEs for every eligible solicitation between \$10,000.00 and \$500,000.00, inclusive, per contract year. As defined in Policy III.D. above, the five percent bid preference DOES NOT apply to reserve contract solicitations.

###### **Reserve Contracts**

- 1. The Business Enterprise Program Coordinator is responsible for conducting outreach to all certified SBEs to inform them of the reserve contracts program and will notify the SBEs that to be considered for any reserve contracts, they must register as a vendor with Pima County.

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2. The assigned Commodity/Contracts Officer may reserve competition of materials and general non-professional services to local certified SBEs, when the requisition and SBE availability meet all of the criteria set forth below.
    - a) Requisition estimated annual total value does not exceed the bid threshold of \$100,000.00.
    - b) Requisition will be processed through an informal solicitation.
    - c) There must be three (3) or more certified SBEs available to provide the requested materials and/or general services. SBEs must be registered with Pima County at the time of the informal solicitation to be considered for reserve contract.
  3. The Business Enterprise Program Coordinator will audit the Materials and Services requisitions and awards to ensure compliance with the Pima County Code Title 20.
- C. Architectural and Engineering Services and Professional Services
1. The assigned Commodity/Contracts Officer is responsible for providing the Business Enterprise Program Coordinator with copies of the Affirmative Action Statements and the Team Utilization Forms in response to each Solicitation for Qualifications (SFQ) or Request for Proposal.
  2. The Business Enterprise Program Coordinator will review the Affirmative Action Statements and the Team Utilization Forms and will assign up to 10% of the total evaluation points for the equal opportunity statement and SBE participation for each submittal.
  3. The Business Enterprise Program Coordinator is responsible for obtaining Annual Statements of Team Utilization to ensure that SBEs are being utilized as listed on the Project Team Member Utilization Forms, submitted with proposals for all Architectural and Engineering Contracts.
- D. Construction Projects
1. The Departments are responsible for submitting a detailed cost or engineer's estimate for construction projects to the Procurement Department for review to determine if an SBE Goal should be established.
    - a) Job Order Contracts (JOC) SBE Goals will be determined prior to solicitation using reasonable estimates provided by the requesting Department's Project Manager. Each JOC with an established SBE goal will be reviewed annually, prior to renewal of contract, to re-determine SBE Goals using reasonable estimates from each prime contractor. Compliance with SBE goals must be a factor in determining whether to renew.

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- b) Construction Manager at Risk (CMAR) SBE Goals must be determined prior to approval of the guaranteed maximum price (GMP) using the estimate provided by the CMAR.
  - c) Competitive Bid Construction Projects SBE Goals will be determined prior to solicitation using the engineer's estimate or reasonable estimate provided by requesting Department's Project Manager.
2. The assigned Commodity/Contracts Officer is responsible to submit a copy of the cost or engineer's estimate to the Business Enterprise Program Coordinator to determine if an SBE Goal should be established for all competitive bid construction projects greater than \$100,000.
  3. The assigned Commodity/Contracts Officer is responsible to ensure that all contractors with CMAR contracts contact the Business Enterprise Program Coordinator for determination of a goal prior to submittal of GMP for construction.
  4. The assigned Commodity/Contracts Officer is responsible to contact the Business Enterprise Program Coordinator to ensure that all JOCs with assigned SBE goals have been reviewed for re-determination of the SBE goal prior to processing the annual renewal of the contract.
  5. The Business Enterprise Program Coordinator is responsible for determining if an SBE Goal should be established for every JOC and construction project \$100,000 or greater that does not have a DBE goal.
  6. Goals less than 4% or greater than 15% must be reviewed and approved by the Procurement Director.
  7. The Business Enterprise Program Coordinator will evaluate all bid submittals on projects with SBE goals to ensure that the SBE goals are met and that all of the required documentation has been submitted. All requests for full or partial waivers will be reviewed for approval or denial.
    - a) In accordance with Title 20.32.040, SBEs certified through a government agency process approved by Pima County will be considered eligible to meet the Pima County SBE goal.
    - b) All bid submittals requesting Good Faith Effort/Request for Partial or Complete Waiver of the established goal must meet the requirements of Title 20.24.030.
  8. The Business Enterprise Program Coordinator is responsible for maintaining records for SBE utilization to ensure compliance with the SBE requirements pursuant to SBE Ordinance No 2008-265, 1997-44, Section 20.28.050 and 20.28.060, for each construction project that has an SBE goal.

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**V. Procedure**

Specific procedures that detail a uniform process and consistent standards for development, execution, and monitoring of all contracts to ensure compliance with SBE Title 20 pursuant to this Policy will be the responsibility of the Procurement Director.

Adopted Date: April 1, 2011  
Revised Date: November 19, 2013  
September 5, 2017  
Effective Date: October 1, 2017





PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

<u>Subject:</u>  Pima County Department Purchase Responsibility	Policy Number	Page
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I. Purpose

The purpose of this Policy is to define responsibility for the purchase of goods and services and to provide guidelines to **assure ensure** that goods and services are purchased in accordance with the Pima County Procurement Code, Board of Supervisors Policies, and Procurement Procedures.

II. Applicability

This Policy applies to the purchase of goods and services conducted by all County departments and employees regardless of the method of purchase. It applies to purchases made by County contract, intergovernmental agreement, purchase order, payment request, petty cash, Purchasing Card (P-Card), or any other form of purchasing transaction.

III. Policy

- A. Purchases made by Pima County Departments **shall must** comply with the provisions of the Pima County Procurement Code, Board of Supervisors Policies, and Procurement Procedures.
- B. Purchases made by County employees which are not consistent with the provisions of the code, policies or procedures **shall must** be considered unauthorized or improper purchases, regardless of the intended use or County need for the purchase.
- C. Departments **shall will** ensure full and equitable economic opportunities to persons or businesses that compete for business with Pima County government, including small business enterprises.
- D. Departments **shall will** provide increased economy in purchase activities and maximize to the fullest extent practicable the purchasing value of public monies.
- E. To ensure the County obtains goods and services at the most competitive pricing, Departments **shall will** exercise discretion in the use of their purchase authority and **shall will** use contracts established by the Procurement Department whenever possible.
- F. Departments **shall will** consider the cumulative annual volume of their anticipated need and **shall will** refer major purchases to the Procurement Department.

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#### IV. Responsibility

- A. Department Heads are responsible for oversight of all purchase transactions conducted by employees within their respective departments.
- B. Department Heads will be subject to disciplinary action, up to and including termination, for unauthorized or improper purchases they authorize.
- C. Department Heads will be subject to disciplinary action, up to and including termination, for unauthorized or improper purchases made by an employee of their department when that employee is acting under their direction or with authority delegated by the Department Head.
- D. Department Heads will be subject to disciplinary action, up to and including termination, for failure to establish or enforce internal procedures necessary to prohibit and detect unauthorized or improper purchases.
- E. Managers and supervisors will be subject to disciplinary action, up to and including termination, for unauthorized or improper purchases made by them or an employee while acting under their supervision or direction.
- F. Employees will be subject to disciplinary action, up to and including termination, for unauthorized or improper purchases made by them or another employee while acting under their supervision or direction.
- G. Purchasing Cardholders **shall will** be disciplined consistent with this policy and the terms and conditions of the Pima County Purchasing Card Cardholder Agreement signed by each Cardholder.
- H. Purchases made to fulfill a County need, made in a manner contrary to the provisions of the Pima County Procurement Code, Board **of Supervisors** Policies, and Procurement Procedures, **shall must** be considered unauthorized or improper purchases.
- I. Emergency purchases necessary to protect the public health, welfare or safety **shall** will not be considered unauthorized or improper purchases when conducted in the manner prescribed by the Pima County Procurement Code and Board **of Supervisors** Policies.

#### V. Procedure

- A. Department Heads must establish internal procedures to regulate and monitor purchase activity. These procedures must ensure that necessary checks and balances are in place to reduce the potential for unauthorized or improper purchases.
- B. Department Heads must ensure that internal procedures are followed and that appropriate corrective action is taken to remedy deficiencies.

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- C. Department Heads must monitor purchase activities to ensure the prudent use of public funds and safeguard the interests of the County.
- D. Department Heads must hold their managers, supervisors, and employees responsible for unauthorized or improper purchases and take prompt and appropriate disciplinary action when necessary.
- E. Department Heads must report all instances of unauthorized or improper purchases to the Procurement Director. The Procurement Director will provide guidance and assistance to the Department Head to prevent further occurrences.
- F. The Procurement Director will report all instances of unauthorized or improper purchases to the County Administrator when the Procurement Director identifies repetitive occurrences or a Department Head has failed to take appropriate action.
- G. Upon receiving a report from the Procurement Director, the County Administrator **shall will** direct the Department Head to submit a written report within ten days. The report must include:
  - 1. A detailed description of the incident;
  - 2. Total cost to the County;
  - 3. Reimbursement made to the County or costs paid directly by, Purchasing Cardholders pursuant to the terms and conditions of the Pima County Purchasing Card Cardholder Agreement;
  - 4. List of employees, including managers and supervisors, who had knowledge of the incident;
  - 5. Disciplinary action taken;
  - 6. Corrective action taken to prevent further occurrences.
- H. After reviewing the report, the County Administrator **shall will** determine if the Department Head has taken appropriate corrective action and has implemented adequate procedures to prevent further occurrences or if additional disciplinary action or corrective measures are required.

**Adopted Date: July 11, 2006**  
**Revised Date: November 14, 2006**  
**April 1, 2011**  
**September 5, 2017**  
**Effective Date: October 1, 2017**



**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	Policy Number	Page
<b>Pima County Department Purchase Responsibility</b>	D 29.9	1 of 3

**I. Purpose**

The purpose of this Policy is to define responsibility for the purchase of goods and services and to provide guidelines to ensure that goods and services are purchased in accordance with the Pima County Procurement Code, Board of Supervisors Policies, and Procurement Procedures.

**II. Applicability**

This Policy applies to the purchase of goods and services conducted by all County departments and employees regardless of the method of purchase. It applies to purchases made by County contract, intergovernmental agreement, purchase order, payment request, petty cash, Purchasing Card (P-Card), or any other form of purchasing transaction.

**III. Policy**

- A. Purchases made by Pima County Departments must comply with the provisions of the Pima County Procurement Code, Board of Supervisors Policies, and Procurement Procedures.
- B. Purchases made by County employees which are not consistent with the provisions of the code, policies or procedures must be considered unauthorized or improper purchases, regardless of the intended use or County need for the purchase.
- C. Departments will ensure full and equitable economic opportunities to persons or businesses that compete for business with Pima County government, including small business enterprises.
- D. Departments will provide increased economy in purchase activities and maximize to the fullest extent practicable the purchasing value of public monies.
- E. To ensure the County obtains goods and services at the most competitive pricing, Departments will exercise discretion in the use of their purchase authority and will use contracts established by the Procurement Department whenever possible.
- F. Departments will consider the cumulative annual volume of their anticipated need and will refer major purchases to the Procurement Department.

**IV. Responsibility**

- A. Department Heads are responsible for oversight of all purchase transactions conducted by employees within their respective departments.

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- B. Department Heads will be subject to disciplinary action, up to and including termination, for unauthorized or improper purchases they authorize.
- C. Department Heads will be subject to disciplinary action, up to and including termination, for unauthorized or improper purchases made by an employee of their department when that employee is acting under their direction or with authority delegated by the Department Head.
- D. Department Heads will be subject to disciplinary action, up to and including termination, for failure to establish or enforce internal procedures necessary to prohibit and detect unauthorized or improper purchases.
- E. Managers and supervisors will be subject to disciplinary action, up to and including termination, for unauthorized or improper purchases made by them or an employee while acting under their supervision or direction.
- F. Employees will be subject to disciplinary action, up to and including termination, for unauthorized or improper purchases made by them or another employee while acting under their supervision or direction.
- G. Purchasing Cardholders will be disciplined consistent with this policy and the terms and conditions of the Pima County Purchasing Card Cardholder Agreement signed by each Cardholder.
- H. Purchases made to fulfill a County need, made in a manner contrary to the provisions of the Pima County Procurement Code, Board of Supervisors Policies, and Procurement Procedures, must be considered unauthorized or improper purchases.
- I. Emergency purchases necessary to protect the public health, welfare or safety shall will not be considered unauthorized or improper purchases when conducted in the manner prescribed by the Pima County Procurement Code and Board of Supervisors Policies.

**V. Procedure**

- A. Department Heads must establish internal procedures to regulate and monitor purchase activity. These procedures must ensure that necessary checks and balances are in place to reduce the potential for unauthorized or improper purchases.
- B. Department Heads must ensure that internal procedures are followed and that appropriate corrective action is taken to remedy deficiencies.
- C. Department Heads must monitor purchase activities to ensure the prudent use of public funds and safeguard the interests of the County.

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- D. Department Heads must hold their managers, supervisors, and employees responsible for unauthorized or improper purchases and take prompt and appropriate disciplinary action when necessary.
- E. Department Heads must report all instances of unauthorized or improper purchases to the Procurement Director. The Procurement Director will provide guidance and assistance to the Department Head to prevent further occurrences.
- F. The Procurement Director will report all instances of unauthorized or improper purchases to the County Administrator when the Procurement Director identifies repetitive occurrences or a Department Head has failed to take appropriate action.
- G. Upon receiving a report from the Procurement Director, the County Administrator will direct the Department Head to submit a written report within ten days. The report must include:
1. A detailed description of the incident;
  2. Total cost to the County;
  3. Reimbursement made to the County or costs paid directly by, Purchasing Cardholders pursuant to the terms and conditions of the Pima County Purchasing Card Cardholder Agreement;
  4. List of employees, including managers and supervisors, who had knowledge of the incident;
  5. Disciplinary action taken;
  6. Corrective action taken to prevent further occurrences.
- H. After reviewing the report, the County Administrator will determine if the Department Head has taken appropriate corrective action and has implemented adequate procedures to prevent further occurrences or if additional disciplinary action or corrective measures are required.

Adopted Date:	April 1, 2011
Revised Date:	July 11, 2006 November 14, 2006 September 5, 2017
Effective Date:	October 1, 2017



PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

Subject:

**Disadvantaged Business Enterprise**

Policy  
Number

Page

D 29.10

1 of 3

I. Purpose

Title 20 of the Pima County Code and Board of Supervisors Policy D29.8 ensures a fair and equitable opportunity for participation in County contracts by local certified ~~Minority and Woman-Owned and~~ Small Business Enterprises (~~MAW/SBE~~). Where County Contracts are federally-funded, however, the County's ~~MAW/SBE~~ program may be supplanted by a federal mandate for participation by Disadvantaged Business Enterprises (DBEs). This Policy is intended to ensure compliance with mandates for DBE participation, where federally required, in lieu of the County ~~MAW/SBE~~ program.

II. Scope

This policy applies to all County contracts that are funded, in whole or in part, by U.S. federal financial assistance that ~~has~~ include DBE requirements.

III. Policy

A. It is the policy of Pima County to ensure that DBEs have an equal opportunity to receive and participate in federally-funded contracts. To achieve this, the County will strive to:

1. ~~To~~ Ensure nondiscrimination in the award and administration of federally-funded procurements and contracts ~~of for~~ products and services ~~contracts~~.
2. ~~To~~ Create a level playing field on which DBE's can compete fairly for federally-funded procurements and contracts ~~of for~~ products and services ~~contracts~~.
3. ~~To~~ Ensure ~~our~~ annual overall DBE participation percentage is narrowly tailored in accordance with applicable law.
4. ~~To~~ Ensure that only firms that meet eligibility standards are permitted to participate as DBEs.
5. ~~To~~ Help ~~to~~ remove barriers ~~to for~~ the participation of DBEs in federally-funded procurements ~~and contracts of for~~ products and services. ~~contracts~~.
6. ~~To~~ Assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.

<u>Subject:</u> <b>Disadvantaged Business Enterprise</b>	Policy Number	Page
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- B. It is the policy of Pima County to ensure that Pima County will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, or national origin. In administering the Pima County components of the DBE Program Plan, Pima County will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to an individual of a particular race, color, sex or national origin.
- C. It is the policy of Pima County to comply with agency-specific DBE requirements applicable to **Federally-supported** federally-supported projects.

~~1. In order to receive federal financial assistance from the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), and other agencies of the U.S. Department of Transportation (DOT), Pima County must comply with the requirements of a DBE program. This was accomplished, in part, by Pima County execution of the Arizona Department of Transportation Public Transportation Department Disadvantaged Business Enterprise Race Neutral Implementation Agreement for Federal Transit Grant Administration Sub-recipients on April 21, 2009.~~

1. To receive federal financial assistance from the Federal Transit Authority (FTA), the Federal Highway Authority (FHWA), and other agencies of the U.S. Department of Transportation (DOT), Pima County complies by adopting the Arizona Department of Transportation DBE Program Plans and Policies for FTA and FHWA-funded projects.

2. The Procurement Department, on its own initiative or at the request of other Departments ~~may establish such agreements or take such action as may be required to~~ will comply with the DBE program requirements of other federal agencies.

#### IV. Responsibility

##### A. DBE Liaison Officer

The DBE Liaison Officer (**DBELO**) is responsible for implementing all aspects of the DBE Program. Implementation will include setting overall annual goals and gathering and reporting statistical data for ~~the~~ County federally-funded contracts with DBE requirements. Duties and responsibilities include the following:

1. Gather and reports statistical data and other information as required.
2. Review third-party contracts and purchase requisitions for compliance with this program.
3. Work with all departments to determine projected annual anticipated DBE participation level.



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4. Ensure that bid notices and requests for proposals are made available to DBEs in a timely manner.
  5. Analyze DBE participation and identify ways to encourage participation ~~through race-neutral means.~~
  6. Participate in pre-bid meetings.
  7. Advise the ~~DEO/governing body~~ granting agency on DBE matters ~~and DBE race-neutral issues.~~
  8. Provide DBEs with information and recommend sources to assist in preparing bids, and obtaining ~~boding~~ bonding and insurance.
  9. Plan and participate in DBE training seminars.
  10. Provide outreach to DBEs and community organizations to fully advise them of contracting opportunities.
  11. Report bidder DBE information to ~~the~~ ADOT ~~Civil Rights Office~~ or other federal agency, as required, prior to execution of contract award.
  12. ~~Submit the Disadvantaged Business Enterprise Awards Commitments and Actual Payments form twice yearly to the ADOT CRO or as needed to other federal agencies.~~ Submit the FHWA Contract Award, DBE Commitment Report or any other required reports by due dates to granting agencies.
- B. The assigned Commodity/Contracts Officer is responsible to ensure that the DBE Liaison Officer reviews every federally-funded solicitation or contract to ensure compliance with this policy.

Adopted Date: July 7, 2009  
Revised Date: September 5, 2017  
Effective Date: October 1, 2017



**PIMA COUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

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**I. Purpose**

Title 20 of the Pima County Code and Board of Supervisors Policy D29.8 ensures a fair and equitable opportunity for participation in County contracts by local certified Small Business Enterprises (SBE). Where County Contracts are federally-funded, however, the County's SBE program may be supplanted by a federal mandate for participation by Disadvantaged Business Enterprises (DBEs). This Policy is intended to ensure compliance with mandates for DBE participation, where federally required, in lieu of the County SBE program.

**II. Scope**

This policy applies to all County contracts that are funded, in whole or in part, by U.S. federal financial assistance that include DBE requirements.

**III. Policy**

A. It is the policy of Pima County to ensure that DBEs have an equal opportunity to receive and participate in federally-funded contracts. To achieve this, the County will strive to:

1. Ensure nondiscrimination in the award and administration of federally-funded procurements and contracts for products and services.
2. Create a level playing field on which DBE's can compete fairly for federally-funded procurements and contracts for products and services.
3. Ensure annual overall DBE participation percentage is narrowly tailored in accordance with applicable law.
4. Ensure that only firms that meet eligibility standards are permitted to participate as DBEs.
5. Help remove barriers for the participation of DBEs in federally-funded procurements and contracts for products and services.
6. Assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.

B. It is the policy of Pima County to ensure that Pima County will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, or

<u>Subject:</u> <b>Disadvantaged Business Enterprise</b>	Policy Number	Page
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national origin. In administering the Pima County components of the DBE Program Plan, Pima County will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to an individual of a particular race, color, sex or national origin.

- C. It is the policy of Pima County to comply with agency-specific DBE requirements applicable to federally-supported projects.
1. To receive federal financial assistance from the Federal Transit Authority (FTA), the Federal Highway Authority (FHWA), and other agencies of the U.S. Department of Transportation (DOT), Pima County complies by adopting the Arizona Department of Transportation DBE Program Plans and Policies for FTA and FHWA-funded projects.
  2. The Procurement Department, on its own initiative or at the request of other Departments will comply with the DBE program requirements of other federal agencies.

#### **IV. Responsibility**

##### **A. DBE Liaison Officer**

The DBE Liaison Officer is responsible for implementing all aspects of the DBE Program. Implementation will include setting overall annual goals and gathering and reporting statistical data for County federally-funded contracts with DBE requirements. Duties and responsibilities include the following:

1. Gather and reports statistical data and other information as required.
2. Review third-party contracts and purchase requisitions for compliance with this program.
3. Work with all departments to determine projected annual anticipated DBE participation level.
4. Ensure that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyze DBE participation and identify ways to encourage participation.
6. Participate in pre-bid meetings.
7. Advise the granting agency on DBE matters.
8. Provide DBEs with information and recommend sources to assist in preparing bids and obtaining bonding and insurance.

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9. Plan and participate in DBE training seminars.
  10. Provide outreach to DBEs and community organizations to fully advise them of contracting opportunities.
  11. Report bidder DBE information to ADOT or other federal agency, as required, prior to execution of contract award.
  12. Submit the FHWA Contract Award, DBE Commitment Report or any other required reports by due dates to granting agencies.
- B. The assigned Commodity/Contracts Officer is responsible to ensure that the DBE Liaison Officer reviews every federally-funded solicitation or contract to ensure compliance with this policy.

Adopted Date: July 7, 2009  
Revised Date: September 5, 2017  
Effective Date: October 1, 2017



PIMACOUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY

Subject:	Policy Number	Page
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I. **Purpose**

The purpose of this document is to define Pima County's Policy regarding the disposal of Surplus Personal Property within the mandates of Arizona law, specifically **Arizona Revised Statutes (A.R.S.)** 11-251 (9), (56), and (58) and to define the authority of the Procurement Director and the responsibilities of the Procurement Director and Department Heads. Exempted from this Policy is property covered under A.R.S. 12-941 et seq., such as seized and unclaimed property.

II. **Definitions**

A. **Disposal**: The act of discarding something unwanted by sale, trade-in, donation, transfer, or destruction.

B. **Public Auction**: ~~A sale of property to the highest bidder. The public auction may be an on-site auction or an on-line auction utilizing the internet.~~ **Private Bid**: ~~A sale of property by acceptance of a private offer to buy. Opportunity to bid is posted for submission of additional offers. Award will be made to the highest bidder.~~

C. ~~**Private Bid**: A sale of property by acceptance of a private offer to buy. Opportunity to bid is posted for submission of additional offers. Award will be made to the highest bidder.~~ **Public Auction**: ~~A sale of property to the highest bidder. The public auction may be an on-site auction or an on-line auction utilizing the internet.~~

D. **Scrap/Salvageable Waste**: ~~Property.~~ Metallic or otherwise, that has no value except for its basic material content, such as scrap iron, aluminum, copper wire, wrecked and unrepairable vehicles (scrap steel), etc.

D.E. **Surplus Personal Property**: As determined by the Department Head or designee, personal property, except for scrap and salvageable waste property, that is operational, yet obsolete and/or no longer necessary or required for the operation of a County department.

E.F. **Trade-in**: An item taken as payment or part of payment for a purchase.

F.G. **Waste Disposal**: The act of removing unwanted items with no net market value. Property to be discarded as garbage.

G. ~~**Scrap/Salvageable Waste**: ~~Property. Metallic or otherwise, that has no value except for its basic material content, such as scrap iron, aluminum, copper wire, wrecked and unrepairable vehicles (scrap steel), etc.~~~~

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### III. Applicability

This Policy applies to the disposal of Surplus Personal Property from all County departments, regardless of the method of acquisition or funding source, unless property is governed by a statute other than A.R.S.11-251 or if property was acquired with grant funds that had specific disposal conditions.

### IV. Authority of the Procurement Director

The Procurement Director **shall will** have the authority to:

- A. Sell by public auction surplus personal property with an estimated market value of \$50,000 or less.
- B. Trade-in surplus personal property within a solicitation process when the net award is \$250,000 or less.
- C. Dispose of in any other manner deemed appropriate surplus personal property that has little or no value or is unauctionable.
- D. Issue and maintain **P**rocedures to provide County-wide guidelines and clarification on the process of disposing of Surplus Personal Property.

### V. Responsibilities

- A. The Procurement Director will direct the disposal of County's Surplus Personal Property.
- B. Department Heads will be responsible for oversight of their **d**Department's staff to ensure Policy and Procedures are adhered to.
- C. Department Heads will be responsible for reporting, maintaining and storing Surplus Personal Property until disposition.
- D. Department Heads will be responsible for establishing internal procedures and compliance, and to optimize the value of **s**Surplus **p**Personal **p**Property.
- E. Departments wishing to dispose of **s**Surplus **p**Personal **p**Property that requires Board of Supervisors approval will, after coordinating with Procurement, develop and place on a Board of Supervisors meeting agenda a request for approval of the intended disposal. **The only exception is trade-in property through a solicitation process;** Procurement will process the Agenda Item **Summary Report if approval is needed for trade-in property through a solicitation process.**

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**VI. Policy**

- A. When Surplus Personal Property is identified by a department, the following alternatives will be considered:
1. Transfer Property within County
  2. Trade-in Property
  3. Public Auction
  4. Retail Outlet
  5. Government Entity Sale
  6. Retail Sale or Private Bid
  7. Disposal of Surplus Property with little or no value.
  8. **Scrap/Salvageable Waste**
  9. **Waste Disposal**
- B. Surplus Personal Property disposal may require the approval of the Board of Supervisors or the Procurement Director depending on the estimated fair market value of the property and the method of disposal. All stated values are to be the estimated fair market value per each piece of property. Approvals must be obtained before any disposition action is initiated. **The matrix, which is incorporated into this Policy, defines the approval authorities for each alternative method of disposal.** Refer to the attached matrix to determine appropriate action and approval for each disposal method alternative.

Adopted Date: September 15, 2009  
Revised Date: September 5, 2017  
Effective Date: October 1, 2017

Subject: <b>Surplus Personal Property</b>	Policy Number	Page
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<u>Alternatives</u>	<u>Conditions</u>	<u>BOS unanimous</u>	<u>BOS majority</u>	<u>Procurement Director</u>	<u>Department Head</u>
Transfer Property within County between Depts.	Departments may negotiate a cost adjustment				X
Trade-in property, Net Award Value > \$250,000	Trade-in must be in conjunction with a solicitation process.		X		
Trade-in property, Net Award <= \$250,000	Trade-in must be in conjunction with a solicitation process.			X	
Public Auction, > \$50,000	30 day notice must be given in newspaper		X		
Public Auction, <=\$50,000	30 day notice must be given in newspaper			X	
Sold through Retail Outlet, <= \$1,000	Property must be sold at no less than fair market value		X		
Government Entity, <= \$1,000	Property must be sold at no less than fair market value		X		
Government Entity, > \$1,000	Property must be sold at no less than fair market value	X			
Retail Sale @ Fair Market Value (FMV), <= \$15,000	Notice of sales must be posted in paper and we can receive additional offers for 30 days after Notice published.		X		
Private Bid @ FMV, <= \$15,000	Notice of sales must be posted in paper and we can receive additional offers for 30 days after Notice published.		X		
Sale to Government Entity or Charitable Organization for less than FMV		X			
Disposal of Surplus Property w/ little or no value	Value determined by Procurement Department			X	
<b>Scrap/Salvageable Waste</b>	<b>Must use contract if available.</b>				X
Waste Disposal					X





**PIMACOUNTY, ARIZONA  
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	Policy Number	Page
<b>Surplus Personal Property</b>	D 29.11	1 of 4

**I. Purpose**

The purpose of this document is to define Pima County's Policy regarding the disposal of Surplus Personal Property within the mandates of Arizona law, specifically Arizona Revised Statutes (A.R.S.) 11-251 (9), (56), and (58) and to define the authority of the Procurement Director and the responsibilities of the Procurement Director and Department Heads. Exempted from this Policy is property covered under A.R.S. § 12-941 et seq., such as seized and unclaimed property.

**II. Definitions**

- A. **Disposal**: The act of discarding something unwanted by sale, trade-in, donation, transfer, or destruction.
- B. **Private Bid**: A sale of property by acceptance of a private offer to buy. Opportunity to bid is posted for submission of additional offers. Award will be made to the highest bidder.
- C. **Public Auction**: A sale of property to the highest bidder. The public auction may be an on-site auction or an on-line auction utilizing the internet.
- D. **Scrap/Salvageable Waste**: Metallic or otherwise, that has no value except for its basic material content; such as scrap iron, aluminum, copper wire, wrecked and unrepairable vehicles (scrap steel), etc.
- E. **Surplus Personal Property**: As determined by the Department Head or designee, personal property, except for scrap and salvageable waste property, that is operational, yet obsolete and/or no longer necessary or required for the operation of a County department.
- F. **Trade-in**: An item taken as payment or part of payment for a purchase.
- G. **Waste Disposal**: The act of removing unwanted items with no net market value. Property to be discarded as garbage.

**III. Applicability**

This Policy applies to the disposal of Surplus Personal Property from all County Departments, regardless of the method of acquisition or funding source, unless property is governed by a statute other than A.R.S. § 11-251 or if property was acquired with grant funds that had specific disposal conditions.

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**IV. Authority of the Procurement Director**

The Procurement Director will have the authority to:

- A. Sell by public auction surplus personal property with an estimated market value of \$50,000 or less.
- B. Trade-in surplus personal property within a solicitation process when the net award is \$250,000 or less.
- C. Dispose of in any other manner deemed appropriate surplus personal property that has little or no value or is unauctionable.
- D. Issue and maintain procedures to provide County-wide guidelines and clarification on the process of disposing of Surplus Personal Property.

**V. Responsibilities**

- A. The Procurement Director will direct the disposal of County's Surplus Personal Property.
- B. Department Heads will be responsible for oversight of their Department staff to ensure Policy and Procedures are adhered to.
- C. Department Heads will be responsible for reporting, maintaining and storing Surplus Personal Property until disposition.
- D. Department Heads will be responsible for establishing internal procedures and compliance, and to optimize the value of Surplus Personal Property.
- E. Departments wishing to dispose of Surplus Personal Property that requires Board of Supervisors approval will, after coordinating with Procurement, develop and place on a Board of Supervisors meeting agenda a request for approval of the intended disposal. Procurement will process the Agenda Item Report if approval is needed for trade-in property through a solicitation process.

**VI. Policy**

- A. When Surplus Personal Property is identified by a department, the following alternatives will be considered:
  - 1. Transfer Property within County
  - 2. Trade-in Property
  - 3. Public Auction
  - 4. Retail Outlet
  - 5. Government Entity Sale
  - 6. Retail Sale or Private Bid
  - 7. Disposal of Surplus Property with little or no value.

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- 8. Scrap/Salvageable Waste
- 9. Waste Disposal

B. Surplus Personal Property disposal may require the approval of the Board of Supervisors or the Procurement Director depending on the estimated fair market value of the property and the method of disposal. All stated values are to be the estimated fair market value per each piece of property. Approvals must be obtained before any disposition action is initiated. The matrix, which is incorporated into this Policy, defines the approval authorities for each alternative method of disposal. Refer to the attached matrix to determine appropriate action and approval for each disposal method alternative.

Adopted Date: September 15, 2009  
 Revised Date: September 5, 2017  
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<b>Subject:</b> <b>Surplus Personal Property</b>	Policy Number	Page
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<u>Alternatives</u>	<u>Conditions</u>	<u>BOS unanimous</u>	<u>BOS majority</u>	<u>Procurement Director</u>	<u>Department Head</u>
Transfer Property within County between Depts.	Departments may negotiate a cost adjustment				X
Trade-in property, Net Award Value > \$250,000	Trade-in must be in conjunction with a solicitation process.		X		
Trade-in property, Net Award <= \$250,000	Trade-in must be in conjunction with a solicitation process.			X	
Public Auction, > \$50,000	30 day notice must be given in newspaper		X		
Public Auction, <=\$50,000	30 day notice must be given in newspaper			X	
Sold through Retail Outlet, <= \$1,000	Property must be sold at no less than fair market value		X		
Government Entity, <= \$1,000	Property must be sold at no less than fair market value		X		
Government Entity, > \$1,000	Property must be sold at no less than fair market value	X			
Retail Sale @ Fair Market Value (FMV), <= \$15,000	Notice of sales must be posted in paper and we can receive additional offers for 30 days after Notice published.		X		
Private Bid @ FMV, <= \$15,000	Notice of sales must be posted in paper and we can receive additional offers for 30 days after Notice published.		X		
Sale to Government Entity or Charitable Organization for less than FMV		X			
Disposal of Surplus Property w/ little or no value	Value determined by Procurement Department			X	
Scrap/Salvageable Waste	Must use contract if available.				X
Waste Disposal					X