



ARIZONA DEPARTMENT OF ADMINISTRATION  
STATE PROCUREMENT OFFICE

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## TECHNICAL BULLETIN No. 010

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TITLE **Significant Procurement Role**  
REVISION **Number 2**  
DATE **July 24, 2014**

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### I. Authority

#### A. Applicable Statute

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|-------------------------|--|
| <u>A.R.S. § 41-2511</u> | Authority of the Director  |
| <u>A.R.S. § 41-2512</u> | Delegation of Authority by the Director                                      |
| <u>A.R.S. § 41-753</u>  | Unlawful acts; violation; classification                                     |
| <u>A.R.S. § 41-2517</u> | Procurement officers and procurement employees;<br>violation; classification |
| <u>A.R.S. § 41-2503</u> | Definitions  |

#### B. Applicable Administrative Code

- |                        |  |
|------------------------|--|
| <u>A.A.C. R2-7-201</u> | State Procurement Administrator: Duties and Qualifications         |
| <u>A.A.C. R2-7-501</u> | Procurement of Specified Professional and Construction<br>Services |

### II. Definitions

#### Significant Procurement Role:

- a. Means any role that includes any of the following duties:
  - i. Participating in the development of a procurement;
  - ii. Participating in the development of an evaluation tool;
  - iii. Approving a procurement as defined in section 41-2503 or an evaluation tool;
  - iv. Soliciting quotes greater than ten thousand dollars for the provision of materials, services or construction;
  - v. Serving as a technical advisor or an evaluator who evaluates a procurement as defined in section 41-2503;

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- vi. Recommending or selecting a vendor that will provide materials, services or construction to this state; or
  - vii. Serving as a decision maker or designee on a protest or any appeal by a party regarding an agency procurement selection or decision.
- b. Does not include making decisions on developing specifications and the scope of work for a procurement as defined in section 41-2503 if the decision is based on the application of commonly accepted industry standards or known published standards of the agency as applied to the project, services, goods or materials.

### III. Policy

- A. A.R.S. § 41-741 defines significant procurement role as applicable for all procurements including procurements conducted under A.R.S. § 41-2503 and must address the required actions for significant procurement role. Individuals who may simply be approving the expenditure of funds, verifying accounting codes, making phone calls to the suppliers for the quote information but do not determine the suppliers to call, or determine the awarded supplier would not be considered to have a significant procurement role.
- B. A significant procurement role activity is centered on a solicitation or quote. Therefore, contract releases, purchase orders, or task orders that are issued against an existing agency or statewide contract are not subject to the requirements of significant procurement role for each order.
- C. The source of the public funds involved in the procurement does not affect the applicability of the statute requirements for significant procurement role. Procurements with grant monies must also conform to grant requirements.
- D. Activities that meet the definition of a grant and the process of awarding grants is conducted under A.R.S. § 41-2701 et seq., Solicitation of Grant Awards, is not subject to the requirements of significant procurement role and no procurement disclosure form is required.
- E. Suppliers considered to be included in the definition of “potentially responding” to a solicitation include those that: Responded to a similar solicitation within the past five years; are a current contractor for similar materials/services or construction; or during the defined significant procurement role period have directly contacted the agency in writing or verbally indicating interest in the solicitation.
- F. Significant procurement role statutes are only applicable for state employees including board members and the office of the governor, lobbyists, and suppliers. Outside consultants or persons (non-state employees) that serve on evaluation committees are required to sign the general conflict of interest disclosure.
- G. Procurement disclosure statements are required at the outset of the procurement

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process, which is when the specifications or the scope of work is beginning to be developed, not when it is completed.

- H. Agency directors, depending on their level of involvement in a procurement and based upon the statutory definition for significant procurement role, may need to sign an annual disclosure form or the procurement specific disclosure form.
- I. Should an employee be concerned with signing the disclosure form for a particular procurement, or there becomes a question as to the potential impact of a signature, the employee and/or procurement officer should immediately inform their supervisor/manager for subsequent discussions with the State Procurement Office, Human Resources, or potentially agency upper management.
- J. Upon award of the solicitation, the unsuccessful offerors are no longer impacted by the significant procurement role no-hire restrictions.
- K. First tier sub-contractors of the prime contractor named in the original offer are subject to the significant procurement role restrictions, but not subsidiaries not included in the response.
- L. Violations of the statute are applicable to state employees and lobbyists, as well as potential offerors and successful contractors.

This Technical Bulletin is hereby effective this 24<sup>th</sup> day of July, 2014, unless otherwise revised or repealed.



Barbara M. Corella  
State Procurement Administrator