



TECHNICAL BULLETIN No. 043

TITLE: **Inquiries and Other Pre-Offer Exchanges**

REVISION: **Number 3**

DATE(s): Current Version: **March 2, 2022**

Previous Version: February 2, 2015

I. Authority

A. Applicable Sections of the Arizona Revised Statutes

A.R.S. § 41-2511	Authority of the director
A.R.S. § 41-2512	Delegation of authority and functions by the director
A.R.S. § 41-2533	Competitive sealed bidding
A.R.S. § 41-2534	Competitive sealed proposals

B. Applicable Sections of the Arizona Administrative Code

A.A.C. R2-7-201	State Procurement Administrator: Duties and Qualifications
A.A.C. R2-7-202	Delegation of Procurement Authority to State Governmental Units
A.A.C. R2-7-B302	Pre-offer Conferences (Competitive Sealed Bidding)
A.A.C. R2-7-B316	Multistep Sealed Bidding
A.A.C. R2-7-C302	Pre-offer Conferences (Competitive Sealed Proposals)

II. Definitions

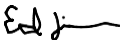
- A. Pre-offer Conference: A meeting held by the procurement officer with potential offerors pursuant to A.A.C. R2-7-B302 or R2-7-C302.
- B. Procurement Officer: Any person duly authorized to enter into and administer contracts and make written determinations with respect to the contracts. Includes an authorized representative acting within the limits of the authorized representative's authority. [Source: A.R.S. § 41-2503]
- C. Inquiries: Any question received from an offeror during the solicitation process by phone, email, or through the State's eProcurement System prior to offer due date and time or earlier (if the Procurement Officer sets an earlier date as the deadline for all inquiries).
- D. Offeror: A person who responds to a solicitation. [A.A.C. R2-7-101]

III. Policy

- A. Pre-Offer Conference: If a procurement officer conducts one or more pre-offeror conferences, the conference shall be scheduled a reasonably sufficient amount of time prior to the offer due date to allow offerors the opportunity to consider information presented at the conference when preparing an offer. Offerors may ask questions, but statements made during the conference are not amendments to the solicitation, should not be construed as a change to the written requirements of the solicitation, and do not bind the State. Solicitation amendments are issued for any change to the solicitation.
- B. Inquiries:
1. If a question is received verbally, the offeror should be redirected to send the question in writing through the State's eProcurement system. If a question is received by email, the offeror should be redirected to send the question in writing through the State's eProcurement system. A procurement officer shall enter the question directly into the State's eProcurement system on the offeror's behalf if they are unable to enter it themselves.
 2. Questions and answers should be visible to all offerors to maintain transparency and fairness for all persons interested in the solicitation. Whenever possible, answers should refer the offeror to the area of the solicitation that includes the information pertinent to their question. Answers to similar questions should be the same to maintain consistency and to avoid creating confusion or a misunderstanding of the State's intent.
 3. The procurement officer may establish a due date in the solicitation instructions for offeror's to submit questions. Questions may be answered by the Procurement Officer as received or at one time and uploaded in the State's eProcurement system.
 4. Any material or significant changes to the solicitation must be addressed by a solicitation amendment and uploaded to the eProcurement system. In all situations, offerors should always be reminded that responses to inquiries are not binding on the State. Only information included in a solicitation amendment is binding on the accepted Offeror(s) and the State.
 5. One-on-one meetings between the procurement officer and potential should be avoided as much as possible between the time of solicitation issuance and the solicitation due date.

IV. Effective

This Technical Bulletin is hereby authorized and effective this 2nd day of March 2022, unless otherwise revised or repealed.



Ed Jimenez (Mar 8, 2022 12:58 MST)

Ed Jimenez, State Procurement Administrator