Contracting for Employee Benefits

Self-Insured Benefits Trust Fund Board of Trustees

Objectives

- Describe Maricopa County Procurement Code and State Statute
- Overview of Procurement Process
- Can Do's and Can't Do's
- Answer Questions

Procurement Code & State Statute

- Procurement Code permitted under A.R.S 41-2501.C.
  - Permits County to adopt State Procurement Code in whole or in part
  - County Procurement Code cannot significantly deviate from State Statute
- Procurement Code adopted by Board of Supervisors in March 1987
- County would be subject to A.R.S. 11-254.01 in absence of Procurement Code
  - Limits procurement methods to Sealed Competitive Bids (Lowest bid)
- Board of Supervisors is statutory contracting authority for Maricopa County
  - Limited contracting authority delegated to Chief Procurement Officer
- Maricopa County Procurement Code defines
  - Applicability
  - Contracting Authority Limits
  - Permitted Procurement Methods
  - Procurement Process Requirements
  - Statutory Procurement Dollar Limits
  - Legal and Contractual Remedies

State Statute

- **11-254.01. County purchasing procedures; purchases to be based on competitive bids; content and issuance of invitations and specifications; basis of awards and rejection of bids; professional services; buildings**

  All purchases of supplies, materials, equipment and contractual services, except professional services, made by the county having an estimated cost in excess of ten thousand dollars per transaction, or the aggregate dollar amount provided for in section 41-2535, if pursuant to section 41-2501, subsection C the board of supervisors adopts the aggregate dollar amount, shall be based on sealed, competitive bids. The county purchasing agent shall make the awards on board of supervisors approval.

- **41-2501. Applicability**
  - A. This chapter applies only to procurements initiated after January 1, 1985 unless the parties agree to its application to procurements initiated before that date.
  - C. All political subdivisions and other local public agencies of this state may adopt all or any part of this chapter and the rules adopted pursuant to this chapter.

Procurement Code

- **MC1-102 APPLICABILITY**

  This Code applies to every expenditure of public monies, including federal assistance monies, except as otherwise specified in Article 10, by this County, acting through a County Governmental Unit under any Contract, except that this Code does not apply to Contracts between this County and other political subdivisions or other governments, except as provided in Article 10 of this Code. This Code also applies to the inventory and disposal of County Commodities. Nothing in this Code or in regulations or policies and procedures adopted under this Code shall prevent any County Governmental Unit from complying with the terms and conditions of any Grant, gift, bequest or cooperative agreement.

- **MC1-314 METHOD OF SOURCE SELECTION**

  Unless otherwise authorized by law, all Maricopa County Contracts shall be Awarded by Competitive Sealed Bidding as provided in MC1-315 through 324, MC1-325 through 327, MC1-328 through 339, MC1-340 through 344, , and MC1-503 or as otherwise provided in this Code.

Procurement Code

- **MC1-334 EVALUATION OF PROPOSALS**

  The Chief Procurement Officer shall select and appoint a selection committee to evaluate the proposals and make a recommendation based on the criteria set forth in the request for proposals. No member of the Board of Supervisors or their district staff shall participate in the evaluation of Proposals.

Procurement Process Overview

- Need identification
- Development of requirements (Scope of Work and evaluation criteria)
- Selection and execution of appropriate procurement method (IFB, RFP, ROQ, ITN, RFQ)
- Receipt and evaluation of responses to solicitation
- Negotiation of final contract (RFP, ROQ, ITN)
- Award of contract

Can Do's

- Board of Trustees can provide input to staff on solicitation scope of work (excludes standard County T's & C's)
- Board of Trustees can provide input to staff on contract requirements (cannot materially alter the requirements contained in the solicitation)
- Board of Trustees can receive briefings from staff on:
  - Solicitation prior to issuance
  - Final contract
- Board of Trustees may have a maximum of two members serving on evaluation committee if approved by the Chief Procurement Officer (must agree to all non-disclosure and conflict requirements)

Can't Do's

- Board of Trustees can't act as evaluation committee
- Board of Trustees can't approve or disapprove the final contract
- Board of Trustees can't share contract or negotiation information until after Board of Supervisors action
- Board of Trustees can't lobby for specific vendor or impose requirements that favor one vendor over another

Questions