

	MARICOPA COUNTY PROCUREMENT CODE	OFFICE OF PROCUREMENT SERVICES	
		Article 2	Date 9/26//2012
	SUBJECT PROCUREMENT ORGANIZATION		

MC1-201 AUTHORITY OF THE CHIEF PROCUREMENT OFFICER

- A. The Chief Procurement Officer may adopt policies and procedures, consistent with this Code, governing the Procurement and management of all Commodities, Services and Construction procured by Maricopa County.
- B. It shall be the Chief Procurement Officer's responsibility to perform or supervise the following:
 - 1. Procurement of Commodities, Services and Construction for all Using Agencies;
 - 2. Preparation and issuance of Solicitations and insure that the selection process is in compliance with this Code;
 - 3. Facilitate the issuance of purchase orders for Commodities, Services and Construction;
 - 4. Provide copying and reprographics Services.
- C. The Chief Procurement Officer, may delegate authority to a Procurement Officer or other designated individual within any County Governmental Unit as follows:
 - 1. In making the decision to delegate Procurement authority, the following factors shall be considered:
 - a. The Procurement expertise, specialized knowledge, past experience, and performance of the prospective Procurement Officer or other designated individual within any County Governmental Unit;
 - b. The impact of the delegation on Procurement efficiency and effectiveness; and,
 - c. The abilities and resources of the prospective Procurement Officer or other designated individual within any County Governmental Unit to exercise the authority.
 - 2. Delegation or any modification of authority shall be in writing and shall specify:
 - a. The scope and type of authority delegated or modified;
 - b. Any limits or restrictions on the exercise of the delegated authority;
 - c. Whether the authority may be further delegated; and

- d. The duration of the delegation, subject to MC1-202.
 - 3. Authority delegated may be suspended, revoked, or modified by the Chief Procurement Officer.
 - 4. The Procurement Officer or other designated individual within any County Governmental Unit receiving a delegation of authority shall exercise that authority according to the Maricopa County Procurement Code, and applicable Maricopa County policies and procedures, and the terms of the delegation. Delegation of Procurement authority to a Procurement Officer or other designated individual within any Governmental Unity cannot be further delegated.
- D. The Chief Procurement Officer shall have the authority to Award Contracts with aggregate annual dollar amounts up to five hundred thousand (\$500,000). Procurement requirements shall not be artificially divided or fragmented to circumvent source selection procedures required by MC1-315, MC1-325, MC1-328, MC1-340, MC1-345 through 348, MC1-350, MC1-351, MC1-352, MC1-354, MC1-371 through 374, and MC1-504 or as otherwise provided in the Code.
- E. The Chief Procurement Officer shall acquire from the Using Agency an estimated value of Contracts Awarded. This estimate shall be used for information and planning purposes only and shall not impose a limit on Contract expenditures if funds are available, as determined by the Using Agency, in a Using Agencies Board of Supervisors approved operating budget. The Chief Procurement Officer shall have the authority to adjust Contract expenditure limits as required to fulfill Using Agency requirements for Commodities, Services and Construction.
- F. The Chief Procurement Officer shall have the authority to exercise all contractual provisions, rights and remedies of Board of Supervisors Contracts. Nothing in this paragraph shall be construed as requiring the Chief Procurement Officer to exercise any provision or right in any Contract.
- G The Chief Procurement Officer shall have the authority to approve all requests to Contract with Maricopa County employees for Commodities or Services outside the scope of their assigned work responsibilities and work hours. Contracting directly with individuals currently employed by Maricopa County shall be avoided to the extent possible and only considered when no other reasonable alternative is available. All requirements for Commodities or Services shall be fulfilled using the appropriate Solicitation method specified in the Maricopa County Procurement Code. Solicitations shall be issued to interested vendors contained in the County's vendor list and any other vendors identified by the requesting Using Agency. Only after this requirement has been satisfied and determined to be unsuccessful will consideration be given to entering into a Contract with

an employee of Maricopa County. Once it has been determined that no other reasonable alternative exists, the following reviews and approvals must be obtained.

1. The Using Agency will prepare written justification substantiating why it is Advantageous to Maricopa County to Contract with an employee. This justification will include the following information:
 - a. A summary of the Commodities or Services required.
 - b. An explanation as to why none of the Respondents to the Solicitation, if any, cannot fulfill the requirements and why it is Advantageous for Maricopa County to Contract with an employee.
 - c. Name, work title, hourly rate and job description of the employee being considered for a Contract.
 - d. How work activities of the employee will be monitored and documented to provide a detailed record to strictly differentiate between employment and Contract activities.
 - e. The proposed hourly pay rate or project Price for Commodities or Services identified in the Contract.
2. The Using Agency shall forward the written justification to the applicable elected official or chief officer for review and approval.
3. If approved, the written justification shall be forwarded to the Chief Procurement Officer for consideration. The request will be returned to the Using Agency indicating either approved or disapproved.
4. If approved, the Office of Procurement Services will negotiate the final Contract, obtain any required legal review, and process the final Contract Award.

MC1-202 VIOLATION OF DELEGATED PROCUREMENT AUTHORITY

Unless the Chief Procurement Officer specifies otherwise, the delegation of Procurement authority is for one (1) fiscal year or the balance of the fiscal year for which delegation is approved and is annually renewable per criteria outlined in MC1-201.C.

MC1-203 AUTHORITY TO CONTRACT FOR PROFESSIONAL SERVICES

- A. For the purpose of procuring Professional Services, any Using Agency may be delegated

authority to act as a Purchasing Agency and negotiate Contracts for their own behalf subject to Board of Supervisors approval.

- B. Procedures for negotiating Professional Service Contracts are described in detail in MC1-355.
- C. For purposes of this Code, Professional Services as determined by the Board of Supervisors are:

- Appraisers
 - Naturopathy
 - Landscape Architects
 - Dispensing Opticians
 - Podiatrists
 - Respiratory Therapists
 - Teachers
 - Psychologist
 - Occupational Therapists
 - Arbitrators
 - Archaeologists
 - Hydrologist
 - Optometrists
 - Physical Therapists
 - Pharmacist
 - Architects
 - Engineers
 - Nurses
 - Geologists
 - Certified Public Accounts
 - Lobbyists
 - Clergy
 - Chiropractors
 - Physician's assistants
 - Dentist
 - Attorneys
 - Veterinarians
 - Assayers
 - Mediators
 - Land Surveyors
- Construction Manager At Risk - Physicians: Medical, Surgical, Psychiatrist
-Health Care facilities that provide a combination of Professional and/or para-professional Services.


For purpose of the Maricopa County Procurement Code, Services not specifically included in the above list of Professional Services shall be considered contractual Services and shall be procured in accordance with Section MCI-328 of the Code.

MC1-204 COUNTY PROCUREMENT POLICY AND PROCEDURES

- A. The Chief Procurement Officer may issue policies and procedures to carry out the purposes of this Code as necessary.
- B. The Chief Procurement Officer may issue standard forms and guidelines in compliance with the Code to facilitate and standardize County wide application of the Code.

MC1-205 COLLECTION OF DATA CONCERNING PUBLIC PROCUREMENT

All Using Agencies shall furnish such reports as the Chief Procurement Officer may require, including but not limited to, Construction activities, Material and Service usage, needs and stocks on hand, and the Chief Procurement Officer may prescribe forms for the use by the using entities in requisitioning, ordering and reporting of Construction, Commodities and Services.

	MARICOPA COUNTY PROCUREMENT CODE	DEPARTMENT OF OFFICE OF PROCUREMENT SERVICES	
		Article 12	Date 9/11/2013
SUBJECT		ETHICS IN PUBLIC CONTRACTING	

MC1-206 PROCUREMENT COMMITTEES

- A. The Chief Procurement Officer may appoint committees as necessary to carry out the purposes of this Code, including evaluation committees, standards committees, and advisory committees, to assist with respect to any Procurement or areas within the authority of the Chief Procurement Officer. A committee member who participates in any aspect of a specific Procurement shall be prohibited from receiving any benefits directly or indirectly from a Respondent or a Contract for such Procurement.

- B. Specifications prepared by a Procurement committee shall comply with Article 4 of the Maricopa County Procurement Code.