



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR S.B. 1104

procurement; information disclosure; bidders

Purpose

Requires the Arizona Department of Administration (ADOA), for competitive sealed bids, to provide a question and answer period for bidders and interested parties to submit written questions and to provide written answers to those questions outside of the procurement process.

Background

ADOA provides centralized administrative services for the State of Arizona, such as administering the State Personnel System, managing state properties and purchasing goods and services in compliance with the Arizona Procurement Code ([A.R.S. Title 41 Ch. 4 and Ch. 23](#)). The Arizona Procurement Code applies to every expenditure of public monies by the state through a state governmental unit, with outlined exceptions ([A.R.S. § 41-2501](#)). The State Procurement Office is a division of ADOA serving as the central procurement authority for the agencies, boards and commissions of the state. The Director of ADOA is designated as the central procurement officer and may adopt rules governing the procurement and management of all materials, services and construction and the disposal of materials ([A.R.S. § 41-2511](#)).

ADOA must award state contracts through competitive sealed bidding with outlined exemptions. ADOA must issue an invitation at a reasonable time in advance that includes a purchase description and all contractual terms and conditions applicable to the procurement for bids. An agency chief procurement officer may conduct one or more pre-offer conferences at least seven days before the offer due date and time to allow potential vendors and agency staff to ask questions of each other and have an open exchange of information. Bids must be opened publicly at the time and place designated on the invitation of bids. The offeror's name, the offer amount and any other relevant information must be recorded and made available for public viewing. The full bid must not be open to public inspection until after a contract is awarded, excluding confidential information, including trade secrets or proprietary data ([A.R.S. § 41-2533](#); [A.A.C. R2-7-C302](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires ADOA, for competitive sealed bids, to provide a question and answer period for bidders and interested parties and to provide written answers to those questions outside of the procurement process.
2. Requires ADOA to provide, in writing, all questions raised and answers provided, including those questions arising during site visits and pre-bid conferences, to all bidders and interested parties outside the procurement process.

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3. Makes technical changes.
4. Becomes effective on the general effective date.

Prepared by Senate Research
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JT/PM/sr