



## STANDARD PROCEDURE

### DESCRIPTION

**Title:** Construction Document Submission For Statutory Review Prior To Contract Award

**Effective:** February 2, 2015

**No.** SP 044

**Revision:** 2

Located in the Arizona Department of Administration, General Services Division, Building and Planning Services, the ADOA engineer has statutory responsibility to review all architectural, engineering and construction contracts (ARS § 41-791.01). All such contracts for State funded construction projects, Capital Outlay or Building Renewal, exceeding \$100,000.00. Additional general guidelines for this procedure are as follows:

1. The procurement officer should ensure that the ADOA engineer has, at all times, a signed umbrella Confidentiality Statement in effect pertaining to all confidential documents reviewed prior to contract awards.
2. ADOA Engineer reviews only those documents necessary for code compliance and to fulfill statutory responsibility. The procurement officer ultimately holds the responsibility of ensuring the integrity of the solicitation process.
3. The procurement officer bears responsibility for the resultant contracts. The ADOA engineer's role is to *review* contracts, and to *approve* plans, specifications and progress payments.

### STANDARD PROCEDURE

1. **PROCEDURES FOR ARCHITECTURAL AND ENGINEERING (DESIGN PROFESSIONAL) AND CONSTRUCTION CONTRACT AWARDS (A.R.S. § 41-2578, § 41-2579, § 41-2581)**
  - 1.1. Confirm ADOA Engineer's Confidentiality Statement. Following the final ranking of the firms by the selection committee and the procurement officer's concurrence, the procurement officer shall confirm the ADOA engineer's confidentiality statement is effective.
  - 1.2. Obtain Prospective Awardee's Signature. The procurement officer shall obtain the prospective awardee's signature on the required AIA documents.
  - 1.3. Submit Required Documents to ADOA Engineer. The procurement officer shall submit to the ADOA engineer the following items:

See: A.R.S. § 41-2578 (H.1.)  
A.R.S. § 41-2579 (H.1.)

    - 1.3.1. Project Name and Funding Source - Authorization
    - 1.3.2 Three AIA-document contract originals signed by prospective awardee. *(Note: If contract is to be uploaded in ProcureAZ, one original of each document. If contract is not to be uploaded in ProcureAZ, three originals of each document.)*

**NOTICE:** This Standard Procedure is provided as a resource to the Procurement Officers of the Agencies, Boards and Commissions of the State of Arizona. While this Standard Procedure is an example of a legally compliant, procedurally efficient and fiscally prudent process, it is not intended to represent the only such process allowable under the Arizona Procurement Code, ARS 41 § 41-2501, et. seq. Depending on the circumstances surrounding a given procurement, deviation from this Standard Procedure may necessary and/or preferable. Procurement Officers should consult with their Agency Chief Procurement Officer and/or the State Procurement Office if they have any questions regarding the application of this Standard Process.

- 1.3.2 Three AIA-document contract originals signed by prospective awardee. *(Note: If contract is to be uploaded in ProcureAZ, one original of each document. If contract is not to be uploaded in ProcureAZ, three originals of each document.)*
- 1.3.3. In the event the B201 Exhibit B document does not include task categories appropriate for the type of work the design professional will be performing, the design professional's written proposal shall be submitted for review.
- 1.4. Award or Negotiate. Following review by the ADOA engineer, the procurement officer shall:
- 1.4.1. Proceed with the award, or
- 1.4.2. Proceed appropriately in accordance with the Procurement Code and all applicable rules and statutes, based on the ADOA engineer's objections or reservations, including but not limited to continuing negotiations with the design professional.
- 2. PROCEDURES FOR DESIGN-BUILD CONTRACTS**
- 2.1. Confirm ADOA Engineer's Confidentiality Statement. Following the final ranking of the firms by the selection committee and the procurement officer's concurrence in the event of selection based on Request For Qualifications responses only, or following the final evaluation of RFP responses and the procurement officer's concurrence in the event of a subsequent RFP process, the procurement officer shall confirm the ADOA engineer's confidentiality statement is effective.
- 2.2. Obtain Prospective Awardee's Signature. The procurement officer shall obtain the prospective awardee's signature on the required AIA documents.
- 2.3. Submit Documents/Information to the ADOA Engineer. The procurement officer shall submit to the ADOA engineer the following items:
- 2.3.1. Project Name and Funding Source - Authorization
- 2.3.2. If an RFP was done in accordance with ARS § 41-2578 (F), the Technical Proposal of the highest ranked firm shall be submitted for review.
- 2.3.3. Three originals of AIA Document contract signed by prospective awardee *(Note: If contract is to be uploaded in ProcureAZ, one original of each document. If contract is not to be uploaded in ProcureAZ, three originals of each document.)*
- 2.4. Award or Negotiate. Following review by the ADOA engineer, the procurement officer shall:
- 2.4.1. Proceed with the award, or
- 2.4.2. Proceed appropriately in accordance with the Procurement Code and all applicable rules and statutes, based on the ADOA engineer's objections or reservations, including but not limited to continuing negotiations with the Design Professional in the event of selection based on Request For Qualifications only

and further discussion with the selection committee regarding evaluation and scoring.

### 3. PROCEDURES FOR CONSTRUCTION BID AND REQUESTS FOR QUOTATIONS (*affecting fire, life and/or safety*) (up to \$100,000) CONTRACTS

- 3.1. Confirm Low Bid Within Budget. Following the close of the solicitation, the procurement officer shall confirm that the apparent low bid is within project manager's budget through publicly available bid tabulation data.
- 3.2. Signed Confidentiality Agreement. The procurement officer shall obtain a signed confidentiality agreement from the design professional prior to revealing to the design professional only those required submission elements necessary to determine compliance with specifications. If necessary, the procurement officer may consult with the design professional to determine the appropriate license classification for the work.  
See: A.A.C. R2-7-B306 (D)
- 3.3. Confirm Licensure in Good Standing Prior to Award. The procurement officer shall consult the Arizona Registrar of Contractors' (AZROC) website (<http://www.azroc.gov/>) for adequate licensure in good standing prior to award. If necessary, the procurement officer may consult with the AZROC to determine the appropriate license classification for the work.
- 3.4. Confirm ADOA Engineer's Confidentiality Statement. Following determination of responsibility and responsiveness of the apparent low bidder, the procurement officer shall confirm the ADOA engineer's confidentiality statement is effective.
- 3.5. Obtain Prospective Awardee's Signature. The procurement officer shall obtain the prospective awardee's signature on the required AIA documents.
- 3.6. Submit Information to ADOA Engineer. The procurement officer shall submit to the ADOA engineer the following items:
  - 3.6.1. Project Name and Funding Source - Authorization
  - 3.6.2. Three originals of AIA Document contract signed by prospective awardee (*Note: If contract is to be uploaded in ProcureAZ, one original of each document. If contract is not to be uploaded in ProcureAZ, three originals of each document.*)
  - 3.6.3. Contract award amounts and accepted alternates
  - 3.6.4. Complete list of documents, including plan sheets numbers and addenda
  - 3.6.5. Statutory Performance and Payment Bond

3.7. Verify Compliance with JCCR and Award or Negotiate. Following review by the ADOA engineer, the procurement officer shall:

3.7.1. For projects in excess of \$250,000.00, the procurement officer shall verify compliance with the JCCR review requirements of ARS 41-1252, and

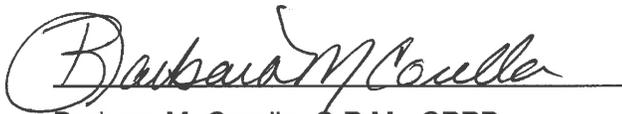
See: A.R.S. § 41-1252

3.7.2. Proceed with the award, or

3.7.3. Proceed appropriately in accordance with the Procurement Code and all applicable rules and statutes, based on the ADOA engineer's objections or reservations.

#### 4. EFFECTIVE

This Standard Procedure is hereby authorized and effective this 2<sup>nd</sup> day of February 2015, unless otherwise revised or repealed.



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State Procurement Administrator