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Register

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GENERAL INFORMATION

Arizona Administrative Register

The *Arizona Administrative Register* (A.A.R.) is an official publication of the state of Arizona and contains the rulemaking activity of the state's agencies, including proposed, final, emergency, summary, and exempt rules. The Secretary of State's Office prints the *Register* weekly. Rulemakings initiated under the Administrative Procedure Act as effective January 1, 1995, include the full text. In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions. Other documents may be included if the documents are concerned with rulemaking or if state statute requires that they be published in the *Register.*

A full schedule of deadline and publication dates appears in the back of this issue. A schedule of deadlines for the Governor's Regulatory Review Council is also listed.

Within each type of rulemaking category, rules are listed in the same numerical order in which they appear in the *Arizona Administrative Code* (A.A.C.).

The *Arizona Administrative Register* is cited by volume and page number and issue date. Pagination of the *Register* is consecutive throughout each volume year. An index to rulemaking activity is published in each issue and is cumulated every six months in a separately published index. The Office also publishes biennially an index to the Governor's documents, the Attorney General's summaries of opinions, and the Governor's appointments to boards and commissions.

Filing Number

Each rulemaking package is assigned a filing number. This number, enclosed in brackets, is located in the upper right-hand corner of the published rules in the *Register.* Each number is preceded by the letter "R" and the year the rulemaking package was filed with the Office. Miscellaneous notices are preceded by the letter "M" and the year the notice was filed with the Office.

Arizona Administrative Code

The *Arizona Administrative Code* (A.A.C.) is an official publication of the state of Arizona. The A.A.C. contains all rules promulgated by the regulatory agencies of the state and filed with the Secretary of State after either certification by the Attorney General if initiated before January 1, 1995, or approval by either the Governor's Regulatory Review Council or the Attorney General, as appropriate, if initiated after January 1, 1995. The *Code* also contains rules exempt from the rulemaking process or exempt from certification or approval.

The A.A.C. uses a hyphenated numbering system. Each rule (Section) number is preceded by the letter "R" indicating "Rule." The first number following the letter "R" indicates the Title (subject area) in which the rule appears. The middle number indicates the Chapter (agency). The last number indicates the rule number. For example: A.A.C. R18-2-101 is the citation for Section 101 of Chapter 2 of Title 18 of the *Code.*

Publication of a rule in the *Arizona Administrative Code* is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012.

The full text of all rules printed is available for inspection in the Office of the Secretary of State, 1700 West Washington, 7th Floor, and at the promulgating agency. In addition, the *Arizona Administrative Code* supplements, published four times each year, contain the full text of rules on which changes were adopted during each calendar quarter.

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PUBLIC PARTICIPATION IN THE RULEMAKING PROCESS

The public is encouraged to participate in the rulemaking process by which administrative rules are made, amended, or repealed. Listed below are some of the ways in which to participate (references are to the *Arizona Revised Statutes* (A.R.S.), a compilation of the laws of the state of Arizona).

- By inspecting a copy of the Notice of Proposed Rulemaking filed with the Secretary of State, Public Services Division, for publication in the *Arizona Administrative Register*. (See A.R.S. § 41-1022.)

- By making oral comments, if an oral proceeding or a public hearing is held, or written comments to the agency proposing the rule. In order for the agency to consider your comments, the agency must receive them by the close of record. Your comments must reach the agency within the 30-day comment period following *Register* publication of the Notice of Proposed Rulemaking. Send your comments to the agency representative whose name and address are printed in the Notice of Proposed Rulemaking. (See A.R.S. § 41-1022.)

- By requesting, in writing, an oral proceeding on a proposed rule within 30 days after the Notice of Proposed Rulemaking has been published in the *Register* if the agency has not scheduled a proceeding. (See A.R.S. § 41-1023.)

- By submitting to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (see A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

- By petitioning an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033.)

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 7. DEPARTMENT OF ADMINISTRATION
STATE PROCUREMENT OFFICE

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 38.) The Governor's Office authorized the notice to proceed through the rulemaking process on August 29, 2013.

[R13-222]

PREAMBLE

1. Article, Part, or Sections Affected (as applicable)	**Rulemaking Action**
R2-7-101	Amend
R2-7-B301	Amend
R2-7-B302	Amend
R2-7-B306	Amend
R2-7-B312	Amend
R2-7-B314	Amend
R2-7-B315	Amend
R2-7-B316	Amend
R2-7-C301	Amend
R2-7-C302	Amend
R2-7-C306	Amend
R2-7-C311	Amend
R2-7-C314	Amend
R2-7-C315	Amend
R2-7-C316	Amend
R2-7-C317	Amend
R2-7-C318	Amend
R2-7-D301	Amend
R2-7-D302	Amend
R2-7-D303	Repeal
R2-7-D303	Renumber
R2-7-D303	Amend
R2-7-D304	Renumber
R2-7-D304	Amend
R2-7-D305	Renumber
R2-7-D305	Amend
R2-7-E301	Amend
R2-7-F301	Amend
R2-7-F302	Amend
R2-7-F303	Amend
R2-7-F304	Amend
R2-7-F305	Amend
R2-7-F306	Amend
R2-7-F307	Amend
R2-7-F308	Amend

R2-7-F309	Amend
R2-7-F310	Amend
R2-7-403	Amend
R2-7-503	Amend
R2-7-604	Amend
R2-7-605	Amend
R2-7-606	Amend
R2-7-607	Amend
R2-7-A909	Amend
R2-7-A910	Amend
R2-7-A911	Renumber
R2-7-A911	Amend
R2-7-A912	New Section
R2-7-1003	Amend
R2-7-1004	Amend
R2-7-1005	Amend
R2-7-1006	Amend
R2-7-1007	Amend
R2-7-1008	Amend
R2-7-1009	Amend
R2-7-1010	New Section

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statutes: A.R.S. § 41-2511(A)

Implementing statutes: A.R.S. §§ 41-2511, 41-2501 through 41-2504, 41-2512 through 41-2516, 41-2531 through 41-2559, 41-2561 through 41-2568, 41-2571 through 41-2579, 41-2580, 41-2585 through 41-2586, 41-2591, 41-2601 through 41-2607, 41-2611 through 41-2617, 41-2631 though 41-2637, 41-2661 and 41-2662, and 41-2671 through 41-2673

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 19 A.A.R. 3283, October 18, 2013

4. The agency's contact person who can answer questions about the rulemaking:

Name:	Jean A. Clark, State Procurement Administrator
Address:	Department of Administration – State Procurement Office 100 N. 15th Ave., Suite 201 Phoenix, AZ 85007
Telephone:	(602) 542-9136
Fax:	(602) 542-5508
E-mail:	Jean.Clark@azdoa.gov
	or
Name:	Rob Smook, ADOA Rules Administrator
Address:	Department of Administration – Fleet Management Office 1501 W. Madison St. Phoenix, AZ 85007
Telephone:	(602) 542-6161
Fax:	(602) 542-3125
E-mail:	Robert.Smook@azdoa.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The purpose of this rulemaking is to address recent statutory changes. Other changes may be made to improve processes. Additionally, the rulemaking will update the rules and bring them into conformance with current practice. Subject matter of these rules is the procurement and management of all materials, services and construction for the state of Arizona. The statutes and the rules are based on the American Bar Association Model Procurement Code and are commonly referred to as the "Arizona Procurement Code."

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely

on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Identification of the Proposed Rule Package:

The proposed rulemaking governs the procurement and management of all materials, services, and construction for the state of Arizona. The rules are based on the American Bar Association's Model Procurement Code and known as the "Arizona Procurement Code."

Identification of the Impacted Parties:

The parties affected by this rulemaking include: state government officials and managers, state government procurement employees, suppliers including small businesses, minority and women-owned businesses, non-profit organizations that provide services to state government, associations that represent various business groups, attorneys, local government units including cities, counties, and school districts.

Benefits/Costs of these rule changes:

The benefits of this rulemaking are greater efficiency in public procurement, reduced operating cost of public procurement, increased opportunities for small, minority and women-owned businesses, improved understanding and ease of use of rules for government agencies and suppliers and more open access to procurement opportunities and information.

Probable Impact on Small Business:

The impact on small businesses should be positive. Small businesses will benefit from more open access to contracting opportunities with the state. In addition, the proposed changes in this rulemaking should provide a better understanding of the rules and their function to small business than do the rules currently in place.

Probable Effects on State Revenue:

There should be no immediate measurable impact on state revenues or expenses. The long-term effect should be a reduction in costs resulting from greater efficiency in the procurement program and the ability to negotiate lower costs for the state.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name:	Jean A. Clark, State Procurement Administrator
Address:	Department of Administration – State Procurement Office 100 N. 15th Ave., Suite 201 Phoenix, AZ 85007
Telephone:	(602) 542-9136
Fax:	(602) 542-5508
E-mail:	Jean.Clark@azdoa.gov
	or
Name:	Rob Smook, ADOA Rules Administrator
Address:	Department of Administration – Fleet Management Office 1501 W. Madison St. Phoenix, AZ 85007
Telephone:	(602) 542-6161
Fax:	(602) 542-3125
E-mail:	Robert.smook@azdoa.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Written comments will be received at the address listed in item 9 for 30 days after the Notice of Proposed Rulemaking is published in the *Register*. An oral proceeding will be scheduled if one is requested, otherwise, the record will be

closed at the end of the 30-day period after publication in the *Register*. Should a request for an oral proceeding be received, notice of that proceeding will be published in a future edition of the *Register*.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require issuance of a regulatory permit or license.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

There is no corresponding federal law that is applicable. The rules are being promulgated under state law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

None

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 7. DEPARTMENT OF ADMINISTRATION
STATE PROCUREMENT OFFICE

ARTICLE 1. GENERAL PROVISIONS

Section
R2-7-101. Definitions

ARTICLE 3. SOURCE SELECTION AND CONTRACT FORMATION

PART B. COMPETITIVE SEALED BIDDING

Section
R2-7-B301. Solicitation
R2-7-B302. Pre-offer Conference
R2-7-B306. Receipt, Opening, and Recording of Offers
R2-7-B312. Bid Evaluation
R2-7-B314. Contract Award
R2-7-B315. Mistakes Discovered After Award
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PART C. COMPETITIVE SEALED PROPOSALS

Section
R2-7-C301. Solicitation
R2-7-C302. Pre-offer Conferences
R2-7-C306. Receipt, Opening, and Recording of Offers
R2-7-C311. Determination of Not Susceptible for Award
R2-7-C314. Negotiations with Responsible Offerors and Revisions of Offers
R2-7-C315. ~~Final~~ Proposal Revisions and Best and Final Offers
R2-7-C316. Evaluation of Offers
R2-7-C317. Contract Award
R2-7-C318. Mistakes Discovered After Award

PART D. PROCUREMENTS NOT EXCEEDING THE AMOUNT PRESCRIBED IN A.R.S. § 41-2535

Section
R2-7-D301. Applicability
R2-7-D302. Solicitation – Request for Quotation
~~R2-7-D303. Request for Quotation Issuance~~ Repealed
~~R2-7-D304.~~R2-7-D303. Contract Award
~~R2-7-D305.~~R2-7-D304. Purchases of ~~$5,000~~ $10,000 and Less

PART E. LIMITED COMPETITION FOR PROCUREMENTS EXCEEDING THE AMOUNT PRESCRIBED IN A.R.S. § 41-2535

Section
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PART F. COMPETITIVE SELECTION PROCESS FOR SERVICES OF CLERGY, PHYSICIANS, DENTISTS, LEGAL COUNSEL, OR CERTIFIED PUBLIC ACCOUNTANTS

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R2-7-F302. Solicitation
R2-7-F303. Solicitation Amendment
R2-7-F304. Cancellation of Solicitation
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R2-7-F306. Timely and Late Modifications or Withdrawals of Offer
R2-7-F307. Late Offers
R2-7-F308. Negotiations with Offers
R2-7-F309. Contract Award
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Section
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ARTICLE 5. PROCUREMENT OF CONSTRUCTION AND ~~SPECIFIED~~ SPECIFIC PROFESSIONAL SERVICES

Section
R2-7-503. Procurement of Construction Using Alternate Project Delivery Method

ARTICLE 6. CONTRACT CLAUSES

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R2-7-1005. ~~Application for Approval as Required by A.R.S. § 41-2636 to Become a Certified Non-Profit Agency for Disabled Individuals~~ Certification as Non-Profit Agency for Disabled Individuals

R2-7-1006. ~~Approval of Specific Materials or Services for Set-aside Use~~ Application for Approval as Required by A.R.S. § 41-2636 to Become a Certified Non-Profit Agency for Disabled Individuals

R2-7-1007. ~~Contract Awards Directed by the Committee~~ Approval of Specific Materials or Services for Set-aside Use

R2-7-1008. ~~Contract Awards Initiated by an Agency Chief Procurement Officer or Local Public Procurement Unit~~ Contract Awards Directed by the Committee

R2-7-1009. ~~Set-aside Application Dispute Process~~ Contract Awards Initiated by an Agency Chief Procurement Officer or Local Public Procurement Unit

R2-7-1010. ~~Repealed~~ Set-aside Application Dispute Process

ARTICLE 1. GENERAL PROVISIONS

R2-7-101. Definitions

In this Chapter, unless the context otherwise requires:

1. "Affiliate" means any person whose governing instruments require it to be bound by the decision of another person or whose governing board includes enough voting representatives of the other person to cause or prevent action, whether or not the power is exercised. The term applies to persons doing business under a variety of names, persons in a parent-subsidiary relationship, or persons that are similarly affiliated.
2. "Agency chief procurement officer" means the procurement officer within a state governmental unit, who is acting under specific, written authority from the state procurement administrator in accordance with R2-7-202 or any person delegated that authority, in writing, under R2-7-203. The term does not include any other person within a state governmental unit who does not have this written delegation of authority.
3. "Aggregate dollar amount" means purchase price, including taxes and delivery charges, for the term of the contract and accounting for all allowable extensions and options.
4. "Alternate project delivery methods" means design-build, construction-management-at-risk, and job-order-contracting construction services.
5. "Arizona Procurement Code" means A.R.S. Title 41, Chapter 23 and this Chapter ~~7~~.
6. "Arizona state contract" means a contract established or authorized by the state procurement administrator for use by state governmental units and eligible procurement units.
7. "Award" means a determination by the state that it is entering into a contract with one or more offerors.

~~8. "Bid" means an offer in response to solicitation.~~

8. "Best and Final Offer" means a revision to an offer submitted after negotiations are completed that contain the offeror's most favorable terms for price, service, and products to be delivered.
9. "Bid" means an offer in response to solicitation.

~~9.~~10. "Bidder" means "offeror" as defined in R2-7-101(36).

~~10.~~11. "Brand name or ~~equal~~ equivalent specification" means a written description that uses one or more manufacturers' product name or catalog item, to describe the standard of quality, performance, and other characteristics that meet state requirements and provides for submission of equivalent products or services.

~~11.~~12. "Brand name specification" means a written description limited to a list of one or more items by manufacturers' product name or catalog item to describe the standard of quality, performance, and other characteristics that meet state requirements.

~~12.~~13. "Clergy" includes the same persons described in A.R.S. § 32-3272(3).

~~13. "Competitive range" is a range determined by the procurement officer on the basis of the criteria stated in the solicitation and an initial review of the proposals submitted. Those proposals that are susceptible for award after the initial review of all original proposals in accordance with the evaluation criteria and a comparison and ranking of original proposals shall be in the competitive range. Those proposals that have no reasonable chance for award when compared on a relative basis with more highly ranked proposals will not be in the competitive range. Proposals to be considered within the competitive range must, at a minimum, demonstrate the following:~~

~~a. Affirmative compliance with mandatory requirements designated in the solicitation.~~

~~b. An ability to deliver goods or services on terms advantageous to the state sufficient to be entitled to continue in the competition.~~

~~c. That the proposal is technically acceptable as submitted.~~

14. "Component" means a part of a manufactured product.

15. "Contract amendment" means a written modification of a contract under A.R.S. § 41-2503(8) or a unilateral exercise of a right contained in the contract.
16. "Cost data" means information concerning the actual or estimated cost of labor, material, overhead, and other cost elements that have been incurred or will be incurred by the offeror or contractor in performing the contract.
17. "Cost-plus-a-percentage-of-cost contract" means the parties to a contract agree that the fee will be a predetermined percentage of the cost of work performed and the contract does not limit the cost and fee before authorization of performance.
18. "Day" means a calendar day and time is computed under A.R.S. § 1-243, unless otherwise specified in the solicitation or contract.
19. "Debarment" means an action taken by the director under R2-7-C901 that prohibits a person from participating in the state procurement process.
20. "Defective data" means data that is inaccurate, incomplete, or outdated.
21. "Dentist" means a person licensed under A.R.S. Title 32, Chapter 11.
22. "Descriptive literature" means information available in the ordinary course of business that shows the characteristics, construction, or operation of an item or service offered.

~~23. "Discussion" means "negotiation" as defined in R2-7-101(34).~~

~~24.~~23. "Eligible procurement unit" means a local public procurement unit, any other state or agency of the United States, or a nonprofit educational or public health institution, including any certified non-profit agency for disabled individuals as defined in A.R.S. § 41-2631, that is eligible under a cooperative agreement to use Arizona state contracts.

~~25. "Enterprise Procurement Services" means state procurement office as defined in R2-7-101(50).~~

~~26.~~24. "Filed" means delivery to an agency chief procurement officer or to the director, whichever is applicable, in a manner specified by the Arizona Procurement Code or a solicitation.

~~27.~~25. "Finished goods" means units of a manufactured product awaiting sale.

~~28.~~26. "Force account" as used in A.R.S. § 41-2572, means work performed by the state's regularly employed personnel.

~~29.~~27. "Governing instruments" means legal documents that establish the existence of an organization and define its powers, including articles of incorporation or association, constitution, charter, by-laws, or similar documents.

~~30.~~28. "In writing" has the same meaning as "written" or "writing" in A.R.S. § 47-1201, which includes printing, typewriting, electronic transmission, facsimile, or any other intentional reduction to tangible form.

~~31.~~29. "Interested party" means an offeror or prospective offeror whose economic interest is affected substantially and directly by issuance of a solicitation, an award or loss of an award. Whether an offeror or prospective offeror has an economic interest depends upon the circumstances of each case.

~~32.~~30. "Legal counsel" means a person licensed as an attorney by the Arizona Supreme Court.

~~33.~~31. "May" means something is permissive.

~~34.~~32. "Negotiation" means an exchange or series of exchanges between the state and an offeror or contractor that allows the state or the offeror or contractor to revise an offer or contract, unless revision is specifically prohibited by this Chapter.

~~35.~~33. "Offer" means a response to a solicitation.

~~36.~~34. "Offeror" means a person who responds to a solicitation.

~~37.~~35. "Physician" means a person licensed under A.R.S. Title 32, Chapters 7, 8, 13, 14, 15.1, 16, or 17.

~~38.~~36. "Price data" means information concerning prices, including profit, for materials, services, or construction substantially similar to the materials, services, or construction to be procured under a contract or subcontract. In this definition, "prices" refers to offered selling prices, historical selling prices, or current selling prices of the items to be purchased.

~~39.~~37. "Procurement file" means the official records file of the director whether located in the office of the director or at a public procurement unit. The procurement file shall include (electronic or paper) the following:

a. List of notified vendors,
b. Final solicitation,
~~c. Solicitation amendments,~~
c. Non-disclosure agreements,
d. Solicitation amendments,
~~d.~~e. Bids and offers,
~~e.~~f. ~~Final proposal~~ Offer revisions,

~~f. Discussions,~~
g. Best and final offer,
h. Negotiations,
~~g.~~i. Clarifications,
~~h.~~j. Final evaluation reports, ~~and~~
k. Award determinations, and
~~i.~~l. Additional information may be included, if requested by the agency chief procurement officer and approved by the state procurement administrator.

~~40.~~38. "Procurement request" means the document that initiates a procurement.

~~41.~~39. "Proposal" means an offer submitted in response to a solicitation.

~~42.~~40. "Prospective offeror" means a person that expresses an interest in a specific solicitation.

~~43.~~41. "Raw materials" means goods, excluding equipment and machinery, purchased for use in manufacturing a product.

~~44.~~42. "Reverse auction" means a procurement method in which offerors are invited to bid on specified goods or services through online bidding and real-time electronic bidding. During an electronic bidding process, offerors' prices or relative ranking are available to competing offerors and offerors may modify their offer prices until the closing date and time.

~~45.~~43. "Shall" means something is mandatory.

~~46.~~44. "Small business" means a for-profit or not-for-profit organization, including its affiliates, with fewer than 100 full-time employees or gross annual receipts of less than $4 million for the last complete fiscal year.

~~47.~~45. "Solicitation" means an invitation for bids, a request for technical offers, a request for proposals, a request for quotations, or any other invitation or request issued by the purchasing agency to invite a person to submit an offer.

~~48.~~46. "Source selection method" means a process that is approved by an agency chief procurement officer and used to select a person to enter into a contract for procurement.

~~49.~~47. "State procurement administrator" means the individual appointed by the director as a chief procurement officer for ~~a~~ the state, or a state procurement administrator's authorized designee. A different title may be used for this position.

~~50.~~48. "State procurement office" means an office that acts under the authority delegated to the state procurement administrator.

~~51.~~49. "Suspension" means an action taken by the director under R2-7-C901 that temporarily disqualifies a person from participating in a state procurement process.

~~52.~~50. "Trade secret" means information, including a formula, pattern, device, compilation, program, method, technique, or process, that is the subject of reasonable efforts to maintain its secrecy and that derives independent economic value, actual or potential, as a result of not being generally known to and not being readily ascertainable by legal means.

ARTICLE 3. SOURCE SELECTION AND CONTRACT FORMATION

PART B. COMPETITIVE SEALED BIDDING

R2-7-B301. Solicitation

A. An agency chief procurement officer shall issue an invitation for bids at least 14 days before the offer due date and time, unless the agency chief procurement officer determines a shorter time is necessary for a particular procurement. If a shorter time is necessary, the agency chief procurement officer shall document the specific reasons in the procurement file.

B. An agency chief procurement officer shall:
1. Advertise the procurement in accordance with A.R.S. § 41-2533(C); and
2. At a minimum, provide written notice to the prospective suppliers that have registered with the state procurement office for the specific material, service, or construction solicited.

C. An agency chief procurement officer shall include the following in the solicitation:
1. Instruction to offerors, including:
   a. Instructions and information to offerors concerning the offer submission requirements, offer due date and time, the location where offers or other documents will be received, and the offer acceptance period;
   b. The deadline date for requesting a substitution or exception to the solicitation;
   c. The manner by which the offeror is required to acknowledge amendments;
   d. The minimum required information in the offer;
   e. The specific requirements for designating trade secrets and other proprietary information as confidential;
   f. Any specific responsibility criteria;

g. Whether the offeror is required to submit samples, descriptive literature, or technical data with the offer;
h. Any evaluation criteria;
i. A statement of where documents incorporated by reference are available for inspection and copying;
j. A statement that the agency may cancel the solicitation or reject an offer in whole or in part;
k. Certification by the offeror that submission of the offer did not involve collusion or other anticompetitive practices;
l. Certification by the offeror of compliance with A.R.S. § 41-3532 when offering electronics or information technology products, services, or maintenance;
m. That the offeror is required to declare whether the offeror has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
n. Any bid security required;
o. The means required for submission of an offer. The solicitation shall specifically indicate whether hand delivery, U.S. mail, electronic mail, facsimile, or other means are acceptable methods of submission;
p. Any designation of the specific bid items and amounts to be recorded at offer opening; and
q. Any other offer submission requirements;

2. Specifications, including:
   a. Any purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements;
   b. If a brand name or ~~equal~~ equivalent specification is used, instructions that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. The solicitation shall state that products substantially equivalent to the brands designated qualify for consideration; and
   c. Any other specification requirements;
3. Terms and Conditions, including:
   a. Whether the contract will include an option for extension; and
   b. Any other contract terms and conditions.

R2-7-B302. Pre-offer Conferences

An agency chief procurement officer may conduct one or more pre-offer conferences. If a pre-offer conference is conducted, it shall be ~~not less than seven days before~~ a reasonably sufficient time prior to the offer due date and time, ~~unless the agency chief procurement officer makes a written determination that the specific needs of the procurement justify a shorter time~~. Statements made during a pre-offer conference are not amendments to the solicitation.

R2-7-B306. Receipt, Opening, and Recording of Offers

A. An agency chief procurement officer shall maintain a record of offers received for each solicitation and shall record the time and date when an offer is received. The agency chief procurement officer shall store each unopened offer in a secure place until the offer due date and time.

B. A purchasing agency may open an offer to identify the offeror. If this occurs, the agency chief procurement officer shall record the reason for opening the offer, the date and time the offer was opened, and the solicitation number. The agency chief procurement officer shall secure the offer and retain it for public opening.

C. The agency chief procurement officer shall open offers ~~publicly, in the presence of one or more witnesses,~~ after the offer due date and time. ~~The agency chief procurement officer shall announce the name of the offeror; the amount of each offer; and any other relevant information as determined by the agency chief procurement officer.~~ The agency chief procurement officer shall record the name of each offeror, ~~and~~ the amount of each offer, and any other relevant information as determined by the agency chief procurement officer. ~~The reader and the witness shall sign the record of offers and place it in the procurement file.~~ The agency chief procurement officer shall make the record of offers available for public viewing.

D. Except for the information identified in subsection (C), the agency chief procurement officer shall ensure that information contained in the offer remains confidential until contract award and is shown only to those persons assisting in the evaluation process.

R2-7-B312. Bid Evaluation

A. An agency chief procurement officer shall evaluate offers to determine which offer provides the lowest cost to the state. ~~in accordance with any objectively measurable factors set forth in the solicitation. Examples of such factors include, but are not limited to, transportation cost, energy cost, ownership cost, and any other identifiable cost or life cycle cost formula. The factors need not be precise predictors of actual future costs, but to the extent possible the factors shall be reasonable estimates based upon information the agency chief procurement officer has available concerning future use.~~

1. An agency chief procurement officer shall consider life cycle costs and application benefits when evaluating offers for the procurement of material or services identified in A.R.S. § 41-2553.
2. An agency chief procurement officer shall consider total life cycle costs including residual value when evaluating

offers for the procurement of materials or services identified in A.R.S. § 41-2554.

B. An agency chief procurement officer shall conduct an evaluation to determine whether an offeror is responsive, based upon the requirements set forth in the solicitation. The agency chief procurement officer shall reject as nonresponsive any offer that does not meet the solicitation requirements.

C. If there are two or more low, responsive offers from responsible offerors that are identical in price, the agency chief procurement officer shall make the award by drawing lots. If time permits, the agency chief procurement officer shall provide the offerors involved an opportunity to attend the drawing. The agency chief procurement officer shall ensure that the drawing is witnessed by at least one person other than the agency chief procurement officer.

R2-7-B314. Contract Award

A. An agency chief procurement officer shall award the contract to the lowest responsible and responsive offeror whose offer conforms in all material respects to the requirements and criteria set forth in the solicitation. Unless otherwise provided in the solicitation, an award may be made for an individual line item, any group of line items, or all line items.

B. The agency chief procurement officer shall keep a record showing the basis for determining the successful offeror or offerors in the procurement file.

C. The agency chief procurement officer shall notify all offerors of an award.

D. After a contract is awarded, the agency chief procurement officer shall return any bid security provided by the offeror.

E. Within ~~10~~ 3 days after a contract is awarded, the agency chief procurement officer shall make the procurement file, including all offers, available for public inspection, redacting information that is confidential under R2-7-103.

R2-7-B315. Mistakes Discovered After Award

A. If a mistake in the offer is discovered after the award, the offeror may request withdrawal or correction in writing and shall include all of the following in the written request:
1. Explanation of the mistake and any other relevant information;
2. A request for correction including the corrected offer or a request for withdrawal; and
3. The reasons why correction or withdrawal is consistent with fair competition and in the best interest of the state.

B. Based on the considerations of fair competition and the best interest of the state, the agency chief procurement officer may:
1. Allow correction of the mistake, if the resulting dollar amount of the correction is less than the next lowest offer;
2. Cancel all or part of the award; or
3. Deny correction or withdrawal.

C. After cancellation of all or part of an award, ~~if the offer acceptance period has not expired,~~ the agency chief procurement officer may award all or part of the contract to the next lowest responsible and responsive offeror, within 120 days from the date of award, based on the considerations of fair competition and the best interest of the state.

R2-7-B316. Multistep Sealed Bidding

~~**A.** An agency chief procurement officer shall obtain approval from the state procurement administrator before using multistep sealed bidding as a source selection method.~~

~~**B.** To obtain approval for multistep sealed bidding, an agency chief procurement officer shall submit a written request to the state procurement administrator.~~
~~1. The written request shall contain all of the following:~~
~~a. An explanation that specifications or purchase descriptions are not available or sufficiently complete to permit full competition without technical evaluations and negotiations to ensure mutual understanding between each offeror and the state;~~
~~b. An identification of definite criteria that exist for evaluation of technical offers;~~
~~c. An identification that more than one available and technically qualified source exists; and~~
~~d. Confirmation that a fixed-price contract will be used.~~
~~2. The state procurement administrator shall:~~
~~a. Issue written approval, with any conditions or restrictions;~~
~~b. Request additional information from the agency chief procurement officer; or~~
~~c. Deny the request.~~

~~**C.**~~**A.** Multi-step sealed bidding is initiated by the issuance of an invitation to submit technical offers. An agency chief procurement officer shall issue an invitation to submit technical offers that contains all of the following information:
1. Notice that the procurement is conducted in two phases. In phase one unpriced technical offers are considered and selected. In phase two there is competitive bidding by offerors whose offers were selected in phase one;
2. The best description of the material or service solicited;
3. The requirements for each technical offer, such as drawings and descriptive literature;
4. The criteria for evaluating each technical offer;
5. The closing date and time for receipt of technical offers and the location where offers should be delivered or mailed; and

6. A statement that negotiations may be held regarding the unpriced technical offer.

~~D.~~**B.** ~~An agency chief procurement officer may conduct a pre-offer conference. If a pre-offer conference is conducted, it shall be not less than seven days before the offer due date and time, unless the agency chief procurement officer makes a written determination that the specific needs of the procurement justify a shorter time period. Statements made during the pre-offer conference shall not be considered modifications to the solicitation.~~ An agency chief procurement officer may conduct a pre-offer conference within a reasonable time before offer due date and time to discuss the procurement requirements and solicit comments from prospective offerors. Amendments to the solicitation may be issued, if necessary, in accordance with R2-7-B303.

~~E.~~**C.** An agency chief procurement officer may amend an invitation to submit technical offers before or after submission of unpriced technical offers. The agency chief procurement officer shall notify all suppliers who received the solicitation of the amendment and specify a revised offer due date and time. These suppliers may submit new offers or revise existing offers. It is the responsibility of the offeror to obtain any solicitation amendments. An offeror shall acknowledge receipt of an amendment in the manner specified in the solicitation or solicitation amendment on or before the offer due date and time.

~~F.~~**D.** Unpriced technical offers shall not be opened publicly but shall be opened in the presence of two or more procurement officials. Late technical offers are not considered except under the circumstances set forth in R2-7-B307(B). The agency chief procurement officer shall not disclose the contents of an unpriced technical offer to unauthorized persons.

~~G.~~**E.** Each unpriced technical offer shall be evaluated in accordance with the criteria in the invitation to submit technical offers to determine whether the offer is acceptable, potentially acceptable, or unacceptable. If the offer is unacceptable, the agency chief procurement officer shall issue a written determination that the offer is unacceptable, state the basis for the determination, and place the determination in the procurement file. If the agency chief procurement officer determines that an offeror's unpriced technical offer is unacceptable, the agency chief procurement officer shall notify that offeror in writing of the determination and indicate in the notice that the offeror is not afforded an opportunity to amend a technical offer.

~~H.~~**F.** An agency chief procurement officer may conduct negotiations with any offeror that submits an acceptable or potentially acceptable technical offer. During negotiations, the agency chief procurement officer shall not disclose any information obtained from an unpriced technical offer to any other offeror. After negotiations, the agency chief procurement officer shall establish a closing date for receipt of final technical offers and provide written notice of the closing date to offerors that submitted acceptable or potentially acceptable offers. The agency chief procurement officer shall maintain a record of all negotiations.

~~I.~~**G.** After receipt of final technical offers, an agency chief procurement officer shall determine which technical offers are acceptable for consideration in phase two. The agency chief procurement officer shall notify in writing each offeror whose technical offer was determined unacceptable.

~~J.~~**H.** At any time during phase one, an offeror may withdraw an offer.

~~K.~~**I.** Upon completion of phase one, an agency chief procurement officer shall issue a solicitation and conduct phase two as prescribed under R2-7-B301 through R2-7-B315 as a competitive sealed bidding procurement, except that the solicitation shall be issued only to offerors that submitted acceptable technical offers in phase one.

~~L.~~**J.** An agency chief procurement officer shall ensure that unpriced technical offers of unsuccessful offerors are available for public inspection except to the extent that the offer is confidential under R2-7-B306.

PART C. COMPETITIVE SEALED PROPOSALS

R2-7-C301. Solicitation

~~A. Before soliciting for offers under this Section, an agency chief procurement officer shall determine in writing that an invitation for bid is not practicable or advantageous to the state before soliciting for offers under this Section. Competitive sealed bidding may not be practicable or advantageous if it is necessary to:~~

~~1. Use a contract other than a fixed-price type;~~

~~2. Negotiate with offerors concerning the technical and price aspects of their offers and any other aspects of their offer or the solicitation;~~

~~3. Permit offerors to revise their offers; or~~

~~4. Compare the different price, quality, and contractual factors of the offers submitted.~~

~~B. The state procurement administrator may make a class determination that it is either not practicable or not advantageous to the state to procure specified types of materials or services by invitation for bid. The state procurement administrator may modify or revoke a class determination at any time.~~

~~C.~~**A.** An agency chief procurement officer shall issue a request for proposal at least 14 days before the offer due date and time, unless the agency chief procurement officer determines a shorter time is necessary for a particular procurement. If a shorter time is necessary, the agency chief procurement officer shall document the specific reasons in the procurement file.

~~D.~~**B.** The agency chief procurement officer shall:

1. Advertise in accordance with A.R.S. § 41-2534(C); and
2. At a minimum, provide written notice to prospective suppliers that have registered with the state procurement office for the specific material, service, or construction solicited.

~~**E.**~~**C.** The agency chief procurement officer shall include the following in the solicitation:

1. Instructions to offerors, including:
   a. Instructions and information to offerors concerning the offer submission requirements, offer due date and time, the location where offers will be received, and the offer acceptance period;
   b. The deadline date for requesting a substitution or exception to the solicitation;
   c. The manner by which the offeror is required to acknowledge amendments;
   d. The minimum information required in the offer;
   e. The specific requirements for designating trade secrets and other proprietary information as confidential;
   f. Any specific responsibility or susceptibility criteria;
   g. Whether the offeror is required to submit samples, descriptive literature, and technical data with the offer;
   h. Evaluation factors and the relative order of importance;
   i. A statement of where documents incorporated by reference are available for inspection and copying;
   j. A statement that the agency may cancel the solicitation or reject an offer in whole or in part;
   k. Certification by the offeror that submission of the offer did not include collusion or other anticompetitive practices;
   l. Certification by the offeror of compliance with A.R.S. § 41-3532 when offering electronics or information technology products, services, or maintenance;
   m. That the offeror is required to declare whether the offeror has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
   n. Any offer security required;
   o. The means required for submission of offer. The solicitation shall specifically indicate whether hand delivery, U.S. mail, electronic mail, facsimile, or other means are acceptable methods of submission;
   p. Any cost or pricing data required;
   q. The type of contract to be used;
   r. A statement that negotiations may be conducted with offerors reasonably susceptible of being selected for award ~~and that fall within the competitive range~~; and
   s. Any other offer requirements specific to the solicitation.
2. Specifications, including:
   a. Any purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements;
   b. If a brand name or ~~equal~~ equivalent specification is used, instructions that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. The solicitation shall state that products substantially equivalent to those brands designated shall qualify for consideration; and
   c. Any other specification requirements specific to the solicitation.
3. Terms and Conditions, including:
   a. Whether the contract is to include an extension option; and
   b. Any other contract terms and conditions.

R2-7-C302. Pre-offer Conferences

~~An agency chief procurement officer may conduct one or more pre-offer conferences. If a pre-offer conference is conducted, it shall be not less than seven days before, unless the agency chief procurement officer makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during a pre-offer conference are not amendments to the solicitation.~~ An agency chief procurement officer may conduct one or more pre-offer conferences within a reasonable time before offer due date and time to discuss the procurement requirements and solicit comments from prospective offerors. Amendments to the solicitation may be issued, if necessary, in accordance with R2-7-B303.

R2-7-C306. Receipt, Opening, and Recording of Offers

A. An agency chief procurement officer shall maintain a record of offers received for each solicitation and shall record the time and date when an offer is received. The agency chief procurement officer shall store each unopened offer in a secure place until the offer due date and time.

B. A purchasing agency may open an offer to identify the offeror. If this occurs, the agency chief procurement officer shall record the reason for opening the offer, the date and time the offer was opened, and the solicitation number. The agency chief procurement officer shall secure the offer and retain it for public opening.

C. The agency chief procurement officer shall open offers ~~publicly, in the presence of one or more witnesses,~~ after the offer

due date and time. The agency chief procurement officer shall ~~announce and~~ record the name of each offeror and any other relevant information as determined by the agency chief procurement officer. The agency chief procurement officer shall make the record of offers available for public viewing.

D. Except for the information identified in subsection (C), the agency chief procurement officer shall ensure that information contained in the offer remains confidential until contract award and is shown only to those persons assisting in the evaluation process.

R2-7-C311. Determination of Not Susceptible for Award

A. An agency chief procurement officer may determine at any time during the evaluation period and before award that an offer is not susceptible for award ~~or not within the competitive range~~. The agency chief procurement officer shall place a written determination, based on one or more of the following, in the procurement file:

1. The offer fails to substantially meet one or more of the mandatory requirements of the solicitation;
2. The offer fails to comply with any susceptibility criteria identified in the solicitation; or
3. The offer is not susceptible for award ~~or is not within the competitive range~~ in comparison to other offers based on the criteria set forth in the solicitation. When there is doubt as to whether an offer is susceptible for award ~~or is in the competitive range~~, the offer should be included for further consideration.

B. The agency chief procurement officer shall promptly notify the offeror in writing of the final determination that the offer is not susceptible for award ~~or not within the competitive range~~, unless the agency chief procurement officer determines notification to the offeror would compromise the state's ability to negotiate with other offerors.

R2-7-C314. Negotiations with Responsible Offerors and Revisions of Offers

A. An agency chief procurement officer shall establish procedures and schedules for conducting negotiations. The agency chief procurement officer shall ensure there is no disclosure of one offeror's price or any information derived from competing offers to another offeror.

B. Negotiations may be conducted orally or in writing. If oral negotiations are conducted, the agency chief procurement officer shall confirm the negotiations in writing and provide to the offeror.

C. If negotiations are conducted, negotiations shall be conducted with all offerors determined to ~~be in the competitive range or~~ reasonably susceptible for award. Offerors may revise offers based on negotiations provided that any revision is confirmed in writing.

D. An agency chief procurement officer may conduct negotiations with responsible offerors to improve offers in such areas as cost, price, specifications, performance, or terms, to achieve best value for the state based on the requirements and the evaluation factors set forth in the solicitation.

E. Responsible offerors determined to be susceptible for award ~~and within the competitive range~~, with which negotiations have been held, may revise their offer in writing during negotiations.

F. An offeror may withdraw an offer at any time before the ~~final proposal revision~~ best and final offer due date and time by submitting a written request to the agency chief procurement officer.

R2-7-C315. ~~Final Proposal~~ Offer Revisions and Best and Final Offers

A. An agency chief procurement officer ~~shall~~ may request written ~~final proposal~~ revisions to an offer. ~~from any offeror with whom negotiations have been conducted, unless the offeror has been determined not within the competitive range or not susceptible for award under R2-7-C311 or nonresponsible under R2-7-C312.~~ The agency chief procurement officer shall include in the written request:

1. The date, time, and place for submission of ~~final proposal~~ offer revisions; and
2. A statement that if offerors do not submit a written notice of withdrawal or a written ~~final proposal~~ offer revision, their immediate previous written ~~proposal revision~~ offer will be accepted as their final ~~proposal revision~~ offer.

B. An agency chief procurement officer shall request best and final offers from any offeror with whom negotiations have been conducted. The agency chief procurement officer shall include in the written request:

1. The date, time, and place for submission of best and final offer; and
2. A statement that if offerors do not submit a written best and final offer, their immediate previous written offer will be accepted as their best and final offer.

~~B~~C. The agency chief procurement officer shall request written ~~final proposal revisions~~ best and final offers only once, unless the state procurement administrator makes a written determination that it is advantageous to the state to conduct further negotiations or change the state's requirements.

~~C~~D. If an apparent mistake, relevant to the award determination, is discovered after opening of ~~final proposal revisions~~ best and final offers, the agency chief procurement officer shall contact the offeror for written confirmation. The agency chief procurement officer shall designate a time-frame within which the offeror shall either:

1. Confirm that no mistake was made and assert that the offer stands as submitted; or
2. Acknowledge that a mistake was made, and include the following in a written response:
   a. Explanation of the mistake and any other relevant information~~;~~,
   b. A request for correction including the corrected offer or a request for withdrawal~~;~~, and

c. The reasons why correction or withdrawal is consistent with fair competition and in the best interest of the state.

~~D~~**E.** An offeror who discovers a mistake in their ~~final proposal revision~~ best and final offer may request withdrawal or correction in writing, and shall include the following in the written request:
1. Explanation of the mistake and any other relevant information~~;~~,
2. A request for correction including the corrected offer or a request for withdrawal~~;~~, and
3. The reasons why correction or withdrawal is consistent with fair competition and in the best interest of the state.

~~E~~**F.** In response to a request made under subsections (C) or (D), the agency chief procurement officer shall make a written determination of whether correction or withdrawal will be allowed based on whether the action is consistent with fair competition and in the best interest of the state. If an offeror does not provide written confirmation of the ~~final proposal revision~~ best and final offer, the agency chief procurement officer shall make a written determination that the most recent written ~~proposal revision~~ best and final offer submitted is the ~~final proposal revision~~ final best and final offer.

R2-7-C316. Evaluation of Offers

A. An agency chief procurement officer shall evaluate offers and ~~final proposal revisions~~ best and final offers based on the evaluation criteria contained in the request for proposals. The agency chief procurement officer shall not modify evaluation criteria or their relative order of importance after offer due date and time.

B. An agency chief procurement officer may appoint an evaluation committee to assist in the evaluation of offers. If offers are evaluated by an evaluation committee, the evaluation committee shall prepare an evaluation report for the agency chief procurement officer. The evaluation report shall supersede all previous draft evaluations or evaluation reports. The agency chief procurement officer may:
1. Accept or reject the findings of the evaluation committee,
2. Request additional information from the evaluation committee, or
3. Replace the evaluation committee.

C. The agency chief procurement officer shall prepare an award determination and place the determination, including any evaluation report or other supporting documentation, in the procurement file.

R2-7-C317. Contract Award

A. An agency chief procurement officer shall award the contract to the responsible offeror whose offer is determined to be most advantageous to the state based on the evaluation factors set forth in the solicitation. The agency chief procurement officer shall make a written determination explaining the basis for the award and place it in the procurement file.

~~**B.** Before awarding any cost reimbursement contract, the agency chief procurement officer shall determine in writing that:~~
~~1. The offeror's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated, and~~
~~2. It is adequate to allocate costs pursuant to Article 7.~~

~~**C.**~~**B.** The agency chief procurement officer shall notify all offerors of an award.

~~**D.**~~**C.** After contract award, the agency chief procurement officer shall return any offer security provided by the offeror.

~~**E.**~~**D.** Within ~~10~~ 3 days after contract award the agency chief procurement officer shall make the procurement file, including all offers, available for public inspection, redacting information that is confidential under R2-7-103.

R2-7-C318. Mistakes Discovered After Award

A. If a mistake in the offer is discovered after the award, the offeror may request correction or withdrawal in writing, and shall include all of the following in their written request:
1. Explanation of the mistake and any other relevant information;
2. A request for correction including the corrected offer or a request for withdrawal; and
3. The reasons why correction or withdrawal is consistent with fair competition and in the best interest of the state.

B. Based on the considerations of fair competition and the best interest of the state, the agency chief procurement officer may:
1. Allow correction of the mistake;
2. Cancel all or part of the award; or
3. Deny correction or withdrawal.

C. After cancellation of all or part of an award, ~~if the offer acceptance period has not expired~~, the agency chief procurement officer may award all or part of the contract to the next responsible offeror, within 120 days of contract award, whose offer is determined to be the next most advantageous to the state according to the evaluation factors contained in the solicitation.

PART D. PROCUREMENTS NOT EXCEEDING THE AMOUNT PRESCRIBED IN A.R.S. § 41-2535

R2-7-D301. Applicability

For purchases not exceeding the amount prescribed in A.R.S. § 41-2535, including construction, the agency chief procurement officer shall issue a request for quotation under ~~R2-7-D303~~ R2-7-D302 unless any of the following apply:
1. The purchase can be made from a state or agency contract;

2. The purchase can be made from a set-aside organization as established in Article 10;
3. The purchase is not expected to exceed ~~$5,000.00~~ $10,000.00;
~~4. The purchase is made as a sole-source procurement under A.R.S. § 41-2536;~~
~~5.~~4. The agency chief procurement officer makes a written determination that competition is not practicable under the circumstances. The purchase shall be made with as much competition as is practicable under the circumstances.

R2-7-D302. Solicitation – Request for Quotation

A. A request for quotation shall be issued for purchases estimated to exceed ~~$5,000~~ $10,000 but less than that specified in A.R.S. § 41-2535. The agency chief procurement officer shall include the following in the solicitation:
1. Offer submission requirements, including offer due date and time, where offers will be received, and offer acceptance period;
2. Any purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements;
3. The minimum information that the offer shall contain;
4. Any evaluation factors;
5. Whether negotiations may be held;
6. Any contract options including renewal or extension;
7. The uniform terms and conditions by text or reference; and
8. Any other terms, conditions, or instructions specific to the procurement.

~~**B.** The request for quotation shall include a statement that only a small business, as defined in R2-7-101, shall be awarded a contract, unless any of the following apply:~~
~~1. The purchase has been unsuccessfully competed under R2-7-D303, including failure to obtain fair and reasonable prices; or~~
~~2. The agency chief procurement officer has made a written determination that restricting the procurement to small business is not practical under the circumstances.~~

B. The agency chief procurement officer shall issue the request for quotation by distributing the request for quotation to a minimum of three small businesses registered on the prospective suppliers list.

C. The request for quotation shall include a statement that only a small business, as defined in R2-7-101, shall be awarded a contract, unless any of the following apply:
1. The purchase has been unsuccessfully competed under Subsection (B) of this Section, including failure to obtain fair and reasonable prices;
2. The agency chief procurement officer has made a written determination that less than three small businesses are registered on the prospective suppliers list; or
3. The agency chief procurement officer has made a written determination prior to issuing a request for quotation that restricting the procurement to small business is not practical under the circumstances.

~~R2-7-D303.~~ ~~Request for Quotation Issuance~~ Repealed

~~The agency chief procurement officer shall issue the request for quotation by distributing the request for quotation to a minimum of three small businesses. The agency chief procurement officer shall rotate suppliers invited to submit quotations. The agency chief procurement officer may cancel the request for quotation at any time.~~

~~R2-7-D304.~~ R2-7-D303. Contract Award

A. If only one responsive offer is received, the agency chief procurement officer shall ~~explain in writing whether award of the contract is advantageous to the state and place the determination in the procurement file.~~ determine if the price is fair and reasonable, and in the best interest of the state to award a contract and place the determination in the procurement file. If time permits, the agency chief procurement officer may initiate a second request for quotation if it is reasonable to believe that additional responses will be received.

B. The agency chief procurement officer shall award a contract to the small business determined to be most advantageous to the state in accordance with any evaluation factors identified in the request for quotation. If award is pursuant to R2-7-D302(B)(1) or R2-7-D302(B)(2), the agency chief procurement officer shall award a contract to the offeror determined to be most advantageous to the state in accordance with any evaluation factors identified in the request for quotation.

C. The agency chief procurement officer shall place the written basis for the award in the procurement file.

D. The agency chief procurement officer shall make the procurement file available to the public on the date of contract award, except for those items considered confidential under R2-7-103.

~~R2-7-D305.~~ R2-7-D304. Purchases of ~~$5,000~~ $10,000 and Less

The agency chief procurement officer shall use reasonable judgment in awarding contracts of ~~$5,000~~ $10,000 and less that are advantageous to the state. The agency chief procurement officer may but is not required to request quotations.

PART E. LIMITED COMPETITION FOR PROCUREMENTS EXCEEDING THE AMOUNT PRESCRIBED IN A.R.S. § 41-2535

R2-7-E301. Sole Source Procurements

A. For the purposes of this Section, the term "sole-source procurement" means a material or service procured without competition when:
1. There is only a single source for the material or service~~;~~, or
2. No reasonable alternative source exists.

~~**B.** The state procurement administrator may delegate this authority to the agency chief procurement officer in accordance with R2-7-202. If not delegated to the agency chief procurement officer, the agency chief procurement officer shall submit a written request for approval to procure from a sole source to the state procurement administrator before proceeding. The request shall include the following information:~~
~~1. A description of the procurement need and the reason why there is only a single source available or no reasonable alternative exists,~~
~~2. The name of the proposed supplier,~~
~~3. The duration and estimated total dollar value of the proposed procurement,~~
~~4. Documentation that the price submitted is fair and reasonable pursuant to R2-7-702, and~~
~~5. A description of efforts made to seek other sources.~~

B. This Section applies to only sole source procurements, estimated to exceed the amount prescribed in A.R.S. § 41-2535.

C. The state procurement administrator may delegate this authority to the agency chief procurement officer in accordance with R2-7-202. If not delegated to the agency chief procurement officer, the agency chief procurement officer shall submit a written request for approval to procure from a sole source to the state procurement administrator before proceeding. The request shall include the following information:
1. A description of the procurement need and the reason why there is only a single source available or no reasonable alternative exists,
2. The name of the proposed supplier,
3. The duration and estimated total dollar value of the proposed procurement,
4. Documentation that the price submitted is fair and reasonable pursuant to R2-7-702, and
5. A description of efforts made to seek other sources.

~~**C.**~~**D.** The state procurement administrator shall send notice to registered vendors on the electronic system to invite comments on the sole-source request for three working days. Following this period, the state procurement administrator shall either:
1. Issue written approval, with any conditions or restrictions;
2. Request additional information from the agency chief procurement officer; or
3. Deny the request if input or information received shows that more than one source is available or a reasonable alternative source exists for the procurement need.

~~**D.**~~**E.** If the sole-source procurement is authorized or approved, the agency chief procurement officer shall negotiate a contract advantageous to the state.

~~**E.**~~**F.** The agency chief procurement officer shall keep a record of all sole-source procurements pursuant to A.R.S. § 41-2551.

PART F. COMPETITIVE SELECTION PROCESS FOR SERVICES OF CLERGY, PHYSICIANS, DENTISTS, LEGAL COUNSEL, OR CERTIFIED PUBLIC ACCOUNTANTS

R2-7-F301. Statement of Qualifications

A. The agency chief procurement officer may request that persons desiring to provide the services specified in A.R.S. § 41-2513 submit statements of qualifications on a prescribed form which shall include, but not be limited to the following information:
1. Technical education and training;
2. General or special experience, certifications, licenses, and memberships in professional associations, societies, or boards; and
3. Any other relevant information requested by the purchasing agency.

B. Persons who have submitted statement of qualifications may submit additional information or change information that was previously submitted at any time.

C. The agency chief procurement officer may, in lieu of subsection (A), incorporate the statement of qualifications as part of the solicitation pursuant to R2-7-F302.

R2-7-F302. Solicitation

A. For procurements not exceeding the amount prescribed in A.R.S. § 41-2535, except as authorized under A.R.S. § 41-2536, the agency chief procurement officer shall comply with Part D of this Article.

B. For procurements exceeding the amount prescribed in A.R.S. § 41-2535, the agency chief procurement officer shall follow the procedures below, except as authorized under A.R.S. §§ 41-2536 or 41-2537:

1. The agency chief procurement officer shall issue a request for proposal providing adequate notice based on the circumstances.
2. The agency chief procurement officer shall provide notice to prospective suppliers registered at the state procurement office for the specific service and, if R2-7-F301 has been implemented, to persons who have submitted statements of qualifications for the particular services solicited, or both.
3. The agency chief procurement officer shall include the following in the solicitation:
   a. A specific offer due date and time, or that offers will be accepted on an open and continuous basis. If offers are accepted on an open and continuous basis, the designated, continuous day and time in which offers will be opened;
   b. The location where offers will be received;
   c. The offer acceptance period;
   d. The manner by which the offeror is required to acknowledge amendments;
   e. A description of the services needed;
   f. The type of qualifications, experience, licensing, or other information required;
   g. The minimum information in the offer;
   h. Any evaluation criteria;
   i. Any applicable contract terms and conditions;
   j. A statement that negotiations may be conducted to determine the offeror's qualifications for further consideration;
   k. Any cost or pricing data required;
   l. The type of contract to be used;
   m. A statement that the agency may cancel the solicitation or reject an offer in whole or in part;
   n. Certification by the offeror that submission of the offer did not involve collusion or other anticompetitive practices; and
   o. A statement of whether the services shall be retained for a stated or ongoing period of time and whether the contract is to include any option for renewal or extension.

R2-7-F303. Solicitation Amendment

A. ~~A~~ The agency chief procurement officer shall issue a solicitation amendment to do any or all of the following:
1. Make changes in the solicitation;
2. Correct defects or ambiguities;
3. Provide additional information or instructions; or
4. Extend the offer due date and time if the agency chief procurement officer determines that an extension is in the best interest of the state.

B. If a solicitation is changed by a written solicitation amendment, the agency chief procurement officer shall notify suppliers to whom the agency chief procurement officer distributed the solicitation.

C. It is the responsibility of the offeror to obtain any solicitation amendments. An offeror shall acknowledge receipt of an amendment in a manner specified in the solicitation amendment on or before the offer due date and time.

R2-7-F304. Cancellation of Solicitation

A. Based on the best interest of the state, the agency chief procurement officer may cancel a solicitation at any time before award.

B. Based on the best interest of the state, the agency chief procurement officer may cancel an open and continuous solicitation at any time during the active period of the solicitation. Contracts that have already been awarded in accordance with the solicitation shall not be affected by the cancellation.

C. The agency chief procurement officer shall notify offerors of the cancellation in writing.

D. The agency chief procurement officer shall return any offers received to the offerors.

R2-7-F305. Receipt, Opening, and Recording of Offers

A. ~~A~~ The agency chief procurement officer shall maintain a record of offers received for each solicitation and shall record the time and date when an offer is received. The agency chief procurement officer shall store each unopened offer in a secure place until the offer due date and time.

B. A purchasing agency may open an offer to identify the offeror. If this occurs, the agency chief procurement officer shall record the reason for opening the offer, the date and time the offer was opened, and the solicitation number. The agency chief procurement officer shall secure the offer and retain it for public opening.

C. The agency chief procurement officer shall open offers ~~publicly, in the presence of one or more witnesses,~~ after the offer due date and time. The agency chief procurement officer shall announce and record the name of each offeror and any other relevant information as determined by the agency chief procurement officer. ~~The reader and the witness shall sign the record of offers and place it in the procurement file.~~ The agency chief procurement officer shall make the record of offers available for public viewing.

D. Except for the information identified in R2-7-C306(C), the agency chief procurement officer shall ensure that information contained in the offer remains confidential until contract award and is shown only to those persons assisting in the evaluation process.

R2-7-F306. Timely and Late Modifications or Withdrawals of Offer

A. An authorized representative of an offeror may withdraw an offer in writing if the written request for withdrawal is received by the agency chief procurement officer before the designated offer due date and time or the designated, continuous offer due day and time.

B. An offeror may withdraw or modify an offer at any time before the due date and time or designated, continuous day and time for offer opening and before contract award by submitting a written request to the agency chief procurement officer.

C. If a modification or a withdrawal is not received by the designated offer due date and time or the designated, continuous day and time for offer opening, the agency chief procurement officer shall determine the modification or withdrawal as late. The agency chief procurement officer shall reject a late modification or withdrawal unless:

1. The document is received before the contract award; and
2. The document would have been received by the designated offer due date and time or the designated, continuous day and time for offer opening but for the action or inaction of state personnel directly serving the purchasing agency.

D. Upon receiving a late modification or withdrawal, the procurement officer shall:

1. If the document is hand delivered, refuse to accept delivery; or
2. If the document is not hand delivered, record the time and date of receipt, and promptly send written notice of late receipt to the offeror. The agency chief procurement officer may discard the document within 30 days after the date on the notice unless the offeror requests the document be returned.

E. The agency chief procurement officer shall document a refusal under (D)(1) and place this document or a copy of the notice required in (D)(2) in the procurement file.

R2-7-F307. Late Offers

A. If a specific offer due date and time has been identified in the solicitation, the agency chief procurement officer shall reject any offer received after the specified offer due date and time~~.~~Unless:

1. It was transmitted through an eProcurement system designated in the solicitation, and the offer has a submitted status in the system prior to the offer due date and time; or

~~1~~2. There is acceptable evidence to establish that the hand-delivered offer was ~~The procurement officer shall accept a late offer if the document is~~ received before contract award at the location designated in the solicitation ~~or it~~ and would have been received by the offer due date and time but for the ~~action or inaction~~ failure of state personnel directly serving the purchasing agency.

~~2~~**B.** Upon receiving a late offer, the agency chief procurement officer shall:

~~a.~~1. If the document is hand delivered, refuse to accept the delivery; or

~~b.~~2. If the document is not hand delivered, record the time and date of receipt and promptly send written notice of late receipt to the offeror. The agency chief procurement officer may discard the document within 30 days after the date on the notice unless the offeror requests the document be returned.

~~3.~~**C.** The agency chief procurement officer shall document a late offer in the procurement file; with as much information as available.

~~**B.**~~**D.** If the solicitation has a designated, continuous day and time for offer opening and an offer is received after the day and time for offer opening, the agency chief procurement officer shall accept and log in the offer for the next scheduled day and time for offer opening.

R2-7-F308. Negotiations with Offerors

A. The agency chief procurement officer may conduct negotiations with any or none of the offerors.

B. The agency chief procurement officer may conduct negotiations to improve offers in such areas as cost, price, specifications, performance, or terms and conditions, and to achieve best value for the state.

C. The agency chief procurement officer shall document the results of negotiations in writing by requesting a best and final offer as defined in R2-7-C315. ~~Final proposal revisions are not required, but may be used at the discretion of the procurement officer~~.

D. The agency chief procurement officer shall ensure that negotiations do not disclose any information derived from other offers.

R2-7-F309. Contract Award

A. The agency chief procurement officer shall award the contract to the offeror best qualified based on the evaluation factors set forth in the request for proposal and after making a written determination that the price is fair and reasonable. The agency chief procurement officer shall not award a contract based solely on price.

B. The agency chief procurement officer shall make a written determination explaining the basis for the award and place it in the procurement file.

C. The agency chief procurement officer shall award contracts pursuant to A.R.S. § 41-2513(B) through (D) where applicable.
D. Within ~~10~~ 3 days after contract award the agency chief procurement officer shall make the procurement file, including all offers, available for public inspection, redacting information that is confidential under R2-7-103.

R2-7-F310. Mistakes Discovered After Award
A. If a mistake in the offer is discovered after the award, the offeror may request correction or withdrawal in writing, and shall include all of the following in the written request:
1. Explanation of the mistake and any other relevant information;
2. A request for correction including the corrected offer or a request for withdrawal; and
3. The reasons why correction or withdrawal is consistent with fair competition and in the best interest of the state.

B. Based on the considerations of fair competition and the best interest of the state, the agency chief procurement officer may:
1. Allow correction of the mistake;
2. Cancel all or part of the award; or
3. Deny correction or withdrawal.

C. After cancellation of all or part of an award, ~~if the offer acceptance period has not expired,~~ the agency chief procurement officer may award all or part of the contract to the next responsible offeror, within 120 days of contract award, based on whose offer is determined to be the next most advantageous to the state according to the evaluation factors contained in the solicitation.

ARTICLE 4. SPECIFICATIONS

R2-7-403. Determination for Use of Brand Name Type Specifications
A. The state procurement administrator may authorize the use of a brand name only specification if the state procurement administrator makes a written determination that only the identified brand name item will satisfy the state's needs.
B. The agency chief procurement officer shall, to the extent practicable, identify sources from which the designated brand name item can be obtained and shall solicit such sources to achieve the maximum practical competition.
C. The agency chief procurement officer may use a brand name or ~~equal~~ equivalent specification when the agency chief procurement officer determines this type of specification is in the best interest of the state.

ARTICLE 5. PROCUREMENT OF CONSTRUCTION AND SPECIFIED PROFESSIONAL SERVICES

R2-7-503. Procurement of Construction Using Alternate Project Delivery Method
The agency chief procurement officer may use an alternate project delivery method ~~if the agency chief procurement officer determines in writing that~~ if it is in the best interest of the state pursuant to A.R.S. §§ 41-2578 and 41-2579, based on the following factors:
1. Cost and cost control method,
2. Value engineering,
3. Market conditions,
4. Schedule,
5. Required specialized expertise,
6. Technical complexity of the project, or
7. Project management.

ARTICLE 6. CONTRACT CLAUSES

R2-7-604. Contract Change Orders and Amendments
A. The agency chief procurement officer may extend or authorize options in a contract provided the price of the extension or option was evaluated under the contractor's original offer.
B. Any contract change order or amendment or aggregate change orders or amendments of a contract not covered under subsection (A) that exceeds ~~$100,000~~ 25% of the original contract amount may be executed only if the state procurement administrator or, in the case of construction on state property, the Assistant Director of General Services, determines in writing that the change order or amendment is advantageous to the state and the price is determined fair and reasonable pursuant to R2-7-702.
C. The agency chief procurement officer may, in situations in which time or economic consideration preclude re-solicitation, negotiate a reduction to the contract, including scope, price, and contract requirements under A.R.S. § 41-2537.

R2-7-605. Multi-term Contracts

A. ~~With a written determination from state procurement administrator that an extension of time would be advantageous to the state, the~~ The agency chief procurement officer may enter into a contract for materials or services for a period exceeding the time identified in A.R.S. § 41-2546(A)~~.~~,if a written approval from the state procurement administrator is issued prior to offer due date and time.

B. The agency chief procurement officer shall submit a request to the state procurement administrator in writing indicating:
1. The time period requested for the contract;
2. Documentation that the estimated requirements are reasonable and continuing;
3. Documentation to demonstrate why more frequent competition is not practicable and that such a contract will serve the best interests of the state ~~by encouraging effective competition or otherwise promoting economies in state procurement~~.

C. The agency chief procurement officer shall include in all multi-term contracts a clause specifying that the contract shall be cancelled if monies are not appropriated or otherwise made available to support the continuation of performance in a subsequent fiscal year. If the contract is cancelled under this Section, the contractor may only be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the materials or services delivered under the contract or which are otherwise not recoverable.

R2-7-606. Terms and Conditions

A. The state procurement administrator may publish uniform terms and conditions for use in solicitations and contracts issued by a state governmental unit.

B. Prior to offer due date and time, ~~The~~ the state procurement administrator may authorize an agency chief procurement officer to make changes to uniform terms and conditions.

C. After offer due date and time, an agency chief procurement officer may negotiate the uniform terms and conditions, as appropriate.

R2-7-607. Mandatory Statewide Contracts

State governmental units shall use existing Arizona state contracts to satisfy their needs for those materials and services covered under such contracts, unless authorized by the state procurement administrator.

ARTICLE 9. LEGAL AND CONTRACTUAL REMEDIES

PART A. PROTEST OF SOLICITATIONS AND CONTRACT AWARDS

R2-7-A909. Remedies by the Director

If the director sustains the appeal in whole or part and determines that a solicitation, a not susceptible for award determination, or an award does not comply with procurement statutes and regulations, the director shall implement remedies as provided in R2-7-A904 or R2-7-A910.

R2-7-A910. ~~Dismissal Before Hearing~~ Informal Settlement Conference

~~**A.** The director shall dismiss, upon written determination, an appeal in whole or in part before scheduling a hearing if:~~
~~1. The appeal does not state a valid basis for protest;~~
~~2. The appeal is untimely as prescribed under R2-7-A905; or~~
~~3. The appeal attempts to raise issues not raised in the protest.~~

~~**B.** The Director shall notify the interested party, the agency chief procurement officer, and the state procurement administrator in writing of a determination to dismiss an appeal before hearing.~~ In any protest, claim or debarment proceeding, the Director, at his discretion may hold an informal settlement conference with all interested parties. The conference may be held at any time prior to a final administrative decision. If an informal settlement conference is held, a person with the authority to act on behalf of the interested party must be present. The agency chief procurement officer shall notify the interested parties in writing that statements, either written or oral, made at the conference, including a written document, created or expressed solely for the purpose of settlement negotiations are inadmissible in any subsequent administrative or judicial hearing. The interested parties shall waive any right to object to the participation of the Director, or the Director's designee, in the final administrative decision. Should any interested party fail or refuse to appear at an informal settlement conference, the Director, in his discretion, may conduct the conference with those interested parties that appear, or reschedule the conference, or terminate the conference. If the informal settlement conference results in a full settlement agreement between all interested parties, that agreement shall be reduced to writing, signed by the interested parties, and entered as the final administrative decision in the proceeding. If the interested parties do not reach agreement on all matters at issue in the proceedings but do agree to resolve one or some of the issues, that partial agreement shall be reduced to writing, be signed by the interested parties, and bind the interested parties through the remainder of the proceedings.

R2-7-A911. ~~Hearing~~ Dismissal Before Hearing

~~The Director shall resolve appeals of solicitation or contract award decisions as contested cases under A.R.S. § 41-1092.07.~~

A. The director may dismiss, upon written determination, an appeal in whole or in part before scheduling a hearing if:

1. The appeal does not state a valid basis for protest;
2. The appeal is untimely as prescribed under R2-7-A905; or
3. The appeal attempts to raise issues not raised in the protest.

B. The Director shall notify the interested party, the agency chief procurement officer, and the state procurement administrator in writing of a determination to dismiss an appeal before hearing.

R2-7-A912. Hearing

The Director shall resolve appeals of solicitation or contract award decisions as contested cases under A.R.S. § 41-1092.07.

ARTICLE 10. INTERGOVERNMENTAL PROCUREMENT

R2-7-1003. ~~Establishment of a Committee as Required by A.R.S. §41-2636~~ Purchasing from a Cooperative Contract

~~**A.** The director shall appoint a committee as required by A.R.S. §41-2636.~~

~~**B.** The committee shall be comprised of at least seven members, including the committee chair, representing:~~

~~1. Arizona Correctional Industries ("ACI");~~
~~2. Arizona Industries for the Blind ("AIB");~~
~~3. Certified Non-Profit Agencies for Disabled Individuals (CNADI) as defined in A.R.S. §41-2636(G);~~
~~4. Other public procurement units.~~

~~**C.** The state procurement administrator or the state procurement administrator's designee shall chair the committee.~~

~~**D.** The committee chair may appoint sub-committees to assist in the evaluation of materials and services under consideration by the committee as a set-aside.~~

~~**E.** The committee shall meet at least once each fiscal year quarter to report compliance with A.R.S. §41-1636(E).~~

A. The agency chief procurement officer shall not procure materials, services, professional services, construction or construction services from any cooperative contracts available under an existing Arizona state contract, unless authorized by the state procurement administrator.

B. If it is in the best interest of the state and at the discretion of the agency chief procurement officer, a cooperative contract may be used if the following criteria, at a minimum, are met:

1. Cooperative contract was awarded through the competitive process and documentation available to substantiate award, including:
   a. Bidder's list,
   b. Solicitation included evaluation factors,
   c. Multiple offers received,
   d. Bid tabulation and evaluation offers,
   e. Basic for cooperative contract award with established evaluation factors.
2. Cost analysis to determine best value as prescribed by R2-7-702;
3. Review of cooperative contract terms and conditions; and
4. Vendor's willingness to extend cooperative contract to the state.

C. Procurements under a cooperative contract as permitted by this subsection shall not, in the aggregate, exceed 25% of the initial value, or estimated value for term contracts, of the cooperative contract or $500,000, whichever is lesser, unless the state procurement administrator determines in writing that the procurement is advantageous to the state and the price is determined fair and reasonable pursuant to R2-7-702.

R2-7-1004. ~~Certification as Non-Profit Agency for Disabled Individuals~~ Establishment of a Committee as Required by A.R.S. § 41-2636

~~**A.** A non-profit organization may request written approval from the committee for certified status as a non-profit agency for disabled individuals for the purpose of being eligible for set-aside contracts by submitting information that satisfies the criteria identified in A.R.S. § 41-2636(G).~~

~~**B.** The committee shall review the information submitted and respond to the requestor in writing by:~~

~~1. Approving the request;~~
~~2. Denying the request; or~~
~~3. Requesting more information.~~

A. The director shall appoint a committee as required by A.R.S. § 41-2636.

B. The committee shall be comprised of at least seven members, including the committee chair, representing:

1. Arizona Correctional Industries ("ACI");
2. Arizona Industries for the Blind ("AIB");
3. Certified Non-Profit Agencies for Disabled Individuals (CNADI) as defined in A.R.S. § 41-2636(G);
4. Other public procurement units.

C. The state procurement administrator or the state procurement administrator's designee shall chair the committee.

D. The committee chair may appoint sub-committees to assist in the evaluation of materials and services under consideration by the committee as a set-aside.

E. The committee shall meet at least once each fiscal year quarter to report compliance with A.R.S. § 41-1636(E).

R2-7-1005. ~~**Application for Approval as Required by A.R.S. §41-2636 to Become a Certified Non-Profit Agency for Disabled Individuals**~~ **Certification as Non-Profit Agency for Disabled Individuals**

~~**A.** A non-profit organization requesting certification by the committee as a non-profit agency for disabled individuals shall submit the following written information to the State Procurement Office, attention of the committee chair:~~
~~1. Name of organization, address, contact name, and contact information;~~
~~2. Description of the non-profit activity center;~~
~~3. Evidence of the organization's non-profit status;~~
~~4. A statement that the business is operated in accordance with A.R.S. § 41-2636(G);~~
~~5. A statement of Occupational Safety and Health Administration compliance; and~~
~~6. The signature and title of the responsible party within the applicant's organization.~~
~~**B.** The committee shall review the submitted application at the next scheduled committee meeting and may do any of the following:~~
~~1. Approve the organization as a certified non-profit agency for disabled individuals;~~
~~2. Table the application and request additional information; or~~
~~3. Decline the application.~~

A. A non-profit organization may request written approval from the committee for certified status as a non-profit agency for disabled individuals for the purpose of being eligible for set-aside contracts by submitting information that satisfies the criteria identified in A.R.S. § 41-2636(G).

B. The committee shall review the information submitted and respond to the requestor in writing by:
1. Approving the request,
2. Denying the request, or
3. Requesting more information.

R2-7-1006. ~~**Approval of Specific Materials or Services for Set-aside Use**~~ **Application for Approval as Required by A.R.S. § 41-2636 to Become a Certified Non-Profit Agency for Disabled Individuals**

~~**A.** ACI, AIB, and CNADI shall submit the information required by A.R.S. § 41-2636(B) to the committee to request approval of the material or service for mandatory set-aside use. The applicant shall also include the following information:~~
~~1. A description of the specific material or service;~~
~~2. The pricing offered;~~
~~3. Documentation that the pricing offered is fair market pricing; and~~
~~4. Information regarding availability.~~
~~**B.** The committee shall evaluate each offered material or service to determine:~~
~~1. The existence and extent of a need within state governmental units for the material or service;~~
~~2. The ability to produce and deliver the material or service to meet the reasonable requirements of the state governmental units; and~~
~~3. Whether the offered price for the material or service is reasonable.~~
~~**C.** The committee may:~~
~~1. Approve the requested material or service for use as a mandatory set-aside contract;~~
~~2. Establish a sub-committee to study and make a recommendation on the request;~~
~~3. Request additional information;~~
~~4. Deny the request; or~~
~~5. Designate the material or service as available for optional use by a state governmental unit or local public procurement unit under A.R.S. § 41-2636(D).~~

A. A non-profit organization requesting certification by the committee as a non-profit agency for disabled individuals shall submit the following written information to the State Procurement Office, attention of the committee chair:
1. Name of organization, address, contact name, and contact information;
2. Description of the non-profit activity center;
3. Evidence of the organization's non-profit status;
4. A statement that the business is operated in accordance with A.R.S. § 41-2636(G);
5. A statement of Occupational Safety and Health Administration compliance; and
6. The signature and title of the responsible party within the applicant's organization.

B. The committee shall review the submitted application at the next scheduled committee meeting and may do any of the following:
1. Approve the organization as a certified non-profit agency for disabled individuals;
2. Table the application and request additional information; or
3. Decline the application.

R2-7-1007. ~~Contract Awards Directed by the Committee~~ Approval of Specific Materials or Services for Set-aside Use

~~**A.** The State Procurement Office or the agency chief procurement officer designated by the state procurement administrator shall enter into a contract as directed by the committee. Such contracts shall not exceed five years, including any renewal options.~~

~~**B.** Contracts may be renewed as follows:~~

~~1. For mandatory state contracts, if the State Procurement Office makes an initial determination that the criteria set forth in R2-7-1006(B) are no longer being met, it shall refer the matter to the committee for a final determination.~~

~~2. The committee may:~~

~~a. Approve the contract renewal;~~

~~b. Establish a sub-committee to study and make a recommendation on contract renewal;~~

~~c. Request additional information;~~

~~d. Deny the contract renewal; or~~

~~e. Take other action as may be appropriate.~~

~~**C.** The State Procurement Office or agency chief procurement officer designated by the state procurement administrator shall take action as directed by the committee.~~

A. ACI, AIB, and CNADI shall submit the information required by A.R.S. § 41-2636(B) to the committee to request approval of the material or service for mandatory set-aside use. The applicant shall also include the following information:

1. A description of the specific material or service;
2. The pricing offered;
3. Documentation that the pricing offered is fair market pricing; and
4. Information regarding availability.

B. The committee shall evaluate each offered material or service to determine:

1. The existence and extent of a need within state governmental units for the material or service;
2. The ability to produce and deliver the material or service to meet the reasonable requirements of the state governmental units; and
3. Whether the offered price for the material or service is reasonable.

C. The committee may:

1. Approve the requested material or service for use as a mandatory set-aside contract;
2. Establish a subcommittee to study and make a recommendation on the request;
3. Request additional information;
4. Deny the request; or
5. Designate the material or service as available for optional use by a state governmental unit or local public procurement unit under A.R.S. § 41-2636(E).

R2-7-1008. ~~Contract Awards Initiated by an Agency Chief Procurement Officer or Local Public Procurement Unit~~ Contract Awards Directed by the Committee

~~**A.** Competition is not required under A.R.S. § 41-2636(D) to enter into a contract for a material or service that is offered from a set-aside agency, but may be used at the discretion of the agency chief procurement officer or local public procurement unit. If competition is used, an agency chief procurement officer may either:~~

~~1. Seek competition only from applicable set-aside agencies; or~~

~~2. Seek competition under A.R.S. §§ 41-2533, 41-2534, or 2535.~~

~~**B.** Contracts awarded under this Section, shall not exceed five years, including any renewal options.~~

A. The State Procurement Office or the agency chief procurement officer designated by the state procurement administrator shall enter into a contract as directed by the committee. Such contracts shall not exceed five years, including any renewal options.

B. Contracts may be renewed as follows:

1. For mandatory state contracts, if the State Procurement Office makes an initial determination that the criteria set forth in R2-7-1006(B) are no longer being met, it shall refer the matter to the committee for a final determination.
2. The committee may:
   a. Approve the contract renewal;
   b. Establish a subcommittee to study and make a recommendation on contract renewal;
   c. Request additional information;
   d. Deny the contract renewal; or
   e. Take other action as may be appropriate.

C. The State Procurement Office or agency chief procurement officer designated by the state procurement administrator shall take action as directed by the committee.

R2-7-1009. ~~Set-aside Application Dispute Process~~ Contract Awards Initiated by an Agency Chief Procurement Officer or Local Public Procurement Unit

~~**A.** Any interested party may dispute any committee decision.~~

~~**B.** An interested party shall submit the dispute of a committee decision to the committee chair in writing and shall include:~~

~~1. Name, address, and telephone number of the person submitting the dispute;~~
~~2. Signature of the person or the person's representative;~~
~~3. Identification of the set-aside application disputed;~~
~~4. A detailed statement of the legal and factual grounds for the dispute including copies of relevant documents; and~~
~~5. The form of relief requested.~~

~~**C.** A dispute of a set-aside application shall be filed with the committee chair through the State Procurement Office within 14 days after the person who submits the dispute knows or should have known the basis of the dispute.~~

~~**D.** The committee chair shall promptly give written notice of the dispute to the set-aside applicant and the committee.~~

~~**E.** The committee chair shall resolve the dispute. The committee chair shall issue a written decision within 14 days after the date the dispute has been filed. If the committee chair fails to issue a decision within 14 days, the person who submits the dispute may proceed as if the dispute has been denied.~~

~~**F.** An appeal of the decision of the committee chair shall be made to the director under R2-7-A905.~~

A. Competition is not required under A.R.S. § 41-2636(D) to enter into a contract for a material or service that is offered from a set-aside agency, but may be used at the discretion of the agency chief procurement officer or local public procurement unit. If competition is used, an agency chief procurement officer may either:

1. Seek competition only from applicable set-aside agencies; or
2. Seek competition under A.R.S. §§ 41-2533, 41-2534, or 2535.

B. Contracts awarded under this Section, shall not exceed five years, including any renewal options.

R2-7-1010. ~~Repealed~~ Set-aside Application Dispute Process

A. Any interested party may dispute any committee decision.

B. An interested party shall submit the dispute of a committee decision to the committee chair in writing and shall include:

1. Name, address, and telephone number of the person submitting the dispute;
2. Signature of the person or the person's representative;
3. Identification of the set-aside application disputed;
4. A detailed statement of the legal and factual grounds for the dispute including copies of relevant documents; and
5. The form of relief requested.

C. A dispute of a set-aside application shall be filed with the committee chair through the State Procurement Office within 14 days after the person who submits the dispute knows or should have known the basis of the dispute.

D. The committee chair shall promptly give written notice of the dispute to the set-aside applicant and the committee.

E. The committee chair shall resolve the dispute. The committee chair shall issue a written decision within 14 days after the date the dispute has been filed. If the committee chair fails to issue a decision within 14 days, the person who submits the dispute may proceed as if the dispute has been denied.

F. An appeal of the decision of the committee chair shall be made to the director under R2-7-A905.

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF PROPOSED EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

Editor's Note: The following Notice of Proposed Exempt Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 38.) The Governor's Office authorized the notice to proceed through the rulemaking process on August 14, 2013.

[R13-221]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) **Rulemaking Action:**
R9-22-730 New Section

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. §§ 36-2901.08

Implementing statute: A.R.S. §§ 36-2901.08

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:
None

4. The agency's contact person who can answer questions about the rulemaking:

Name:	Mariaelena Ugarte
Address:	AHCCCS Office of Administrative Legal Services 701 E. Jefferson, Mail Drop 6200 Phoenix, AZ 85034
Telephone:	(602) 417-4693
Fax:	(602) 253-9115
E-mail:	AHCCCSRules@azahcccs.gov
Web site:	www.azahcccs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

A.R.S. § 36-2901.01, adopted by Initiative Measure Proposition 204 in the 2000 general election, includes individuals with income up to 100% of the federal poverty level as part of the definition of persons eligible for health care coverage through AHCCCS. Due to the lack of available funding, effective July 8, 2011, the Administration closed the program to new enrollment for persons described by A.R.S. § 36-2901.01 who were not also described in the Arizona State Plan for Medicaid. Arizona Laws 2013, First Special Session, Chapter 10, § 5, added A.R.S. § 36-2901.07, which expanded the definition of eligible persons to include individuals with income between 100% and 133% of the federal poverty level.

A.R.S. § 36-2901.08, also enacted in the same section of the 2013 law, authorizes the Administration to establish, administer and collect an assessment on hospital revenues, discharges or bed days for funding a portion of the non-federal share of the costs incurred beginning January 1, 2014, associated with eligible persons added to the program by A.R.S. §§ 36-2901.01 and 36-2901.07. The Administration is proposing a new rule to describe the process for establishing, administering and collecting the assessment on hospitals. A.R.S. § 41-1005 (A)(32) exempts the Admin-

istration from Title 41, Chapter 6 of the Arizona Revised Statutes (the Arizona Administrative Procedure Act) for purposes of implementing and establishing the hospital assessment; however, that provision requires the Administration to provide public notice and an opportunity for public comment at least 30 days before doing so.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

A study was not referenced or relied upon when revising the regulations.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

The Administration estimates that, through the hospital assessment, the Administration will collect $75.3 million from Arizona hospitals for the State Fiscal Year ending June 30, 2014. The AHCCCS program is jointly funded by the State and the federal government through the Medicaid program. Depending on the eligibility category of the individual, the federal government provides approximately two-thirds, 83%, or 100% of the cost of care for persons described in A.R.S. § 36.2901.08(A). The Administration will use the amounts collected from the assessment combined with the federal financial participation to fund the cost of health care coverage for an estimated 300,000 persons described in A.R.S. § 36.2901.08(A) through direct payments to health care providers and capitation payments to managed care organizations that, in turn, make payments to health care providers that render care to AHCCCS members. Many of the providers of that medical care are considered small businesses located in Arizona. A.R.S. § 36-2901.08 prohibits the assessed hospitals from passing the cost of the assessment on to patients or third parties who pay for care in the hospital. In the aggregate, the Administration expects to return millions more in State Fiscal Year 2014 in incremental payments for hospital services than will be collected through the assessment.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name:	Mariaelena Ugarte
Address:	AHCCCS Office of Administrative Legal Services 701 E. Jefferson, Mail Drop 6200 Phoenix, AZ 85034
Telephone:	(602) 417-4693
Fax:	(602) 253-9115
E-mail:	AHCCCSRules@azahcccs.gov
Web site:	www.azahcccs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Proposed rule language will be available on the AHCCCS web site (www.azahcccs.gov) the week of December 16, 2013. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., January 13, 2014.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters have been prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

ARTICLE 7. STANDARDS FOR PAYMENTS

Section
R9-22-730. Hospital Assessment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-730. Hospital Assessment

A. For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:
1. "2011 Medicare Cost Report" means:
   a. The Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated December 31, 2012; or
   b. For hospitals not included in that CMS HCRIS report, the "as filed" Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 submitted by the hospital to the Administration.
2. "2011 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of December 19, 2012.
3. "2012 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of August 2, 2013.
4. "Quarter" means the three month period beginning January 1, April 1, July 1, and October 1 of each year.

B. Beginning January 1, 2014, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F), shall be calculated by multiplying the number of discharges reported on the hospital's 2011 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges" by the following rates based on the hospital's peer group:
1. $125.25 per discharge for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
2. $125.25 per discharge for hospitals designated as type: hospital, subtype: critical access hospital.
3. $31.25 per discharge for hospitals designated as type: hospital, subtype: long term.
4. $31.25 per discharge for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2011 Medicare Cost Report.
5. $100.25 per discharge for hospitals designated as type: hospital, subtype: short-term with 20% or more of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
6. $112.75 per discharge for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
7. $125.25 per discharge for hospitals designated as type: hospital, subtype: short-term not included in another peer group.

C. Peer groups for the four quarters beginning July 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for preceding March of each year.

D. Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of $31.25 for each discharge from the psychiatric sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).

E. Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of $0 for each discharge from the rehabilitative sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).

F. Notwithstanding subsection (B), for any hospital that reported more than 29,000 discharges on the hospital's 2011 Medicare Cost Report, discharges in excess of 29,000 are assessed a rate of $12.50 for each discharge in excess of 29,000. The initial 29,000 discharges are assessed at the rate required by subsection (B).

G. Assessment notice. On or before the 15th day of the quarter, the Administration shall send to each hospital a notification

that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.

H. Assessment due date. Assessment must be received by the Administration by the 15th day of the second month of the quarter.

I. Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2011 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year:

1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2011 Medicare Cost Report.
4. Hospitals designated as type: hospital, subtype; rehabilitation.
5. Hospitals designated as type: hospital, subtype: children's.
6. Hospitals designated as type: med-hospital, subtype: special hospitals.
7. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.

J. New hospitals. For hospitals that did not file a 2011 Medicare Cost Report because of the date the hospital began operations, the hospital assessment will begin with the hospital's second quarter of operation but no sooner than January 1, 2014. The assessment will be based on the number of discharges reported by the hospital to AHCCCS for prior quarters until the hospital files its initial Medicare Cost Report. Thereafter, the assessment will be based on the discharges reported in the hospital's initial Medicare Cost Report.

K. Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.

L. Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.

M. Required information. For any hospital that has not filed a 2011 Medicare Cost report, or if the 2011 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the assessment, the Administration shall use data reported on the 2011 Uniform Accounting Report filed by the hospital in place of the 2011 Medicare Cost report to calculate the assessment. If the 2011 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2011 Medicare Cost report to calculate the assessment.

N. The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in § 36-2901.08.

O. Enforcement. If a hospital does not comply with this Section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M13-353]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Document Title: Violation Reporting and Enforcement Policy

Identification Number: PP-2013-002

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

November 22, 2013

3. Summary of the contents of the substantive policy statement:

This substantive policy statement informs the general public of Maricopa County Air Quality Department's approach to respond appropriately, consistently, and timely to instances of noncompliance. The response will be tailored to reflect the nature, scope and origin of the violation and be commensurate with the significance and cause of the violation.

4. Federal or state constitutional provision; federal or statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-473(B)

Maricopa County Air Pollution Control Rules 100, 110 and 400

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This document replaces "Air Quality Violation Reporting and Enforcement," document number DPPN 10-00-06 ES, effective October 9, 2002.

6. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name:	Jo Crumbaker
Address:	Maricopa County Air Quality Department Policy Advisor 1001 N. Central Ave., Suite 500 Phoenix, AZ 85004
Telephone:	(602) 506-6705
E-mail:	jcrumbak@mail.maricopa.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document may be obtained via the Internet at www.maricopa.gov/aq or through the department's record's office at the cost of $0.25/page. Contact: Records Department Staff, 1001 N. Central Ave., Suite 400, Phoenix, AZ 85004, (602) 506-6201.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M13-351]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Document Title: Administrative Hearing Appeal Process

Identification Number: PP-2013-003

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

October 1, 2012

3. Summary of the contents of the substantive policy statement:

This substantive policy statement informs the general public of Maricopa County Air Quality Department's approach to establishing a framework for regulated parties to request review of certain agency actions and findings in an administrative hearing before an administrative law judge.

4. Federal or state constitutional provision; federal or statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-473(B) and A.R.S. § 49-471.15

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This document replaces "Maricopa County Air Quality Department Guidance Document for the Enforcement Division Appeal Process," document number GD-2008-01, effective October 1, 2008.

6. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name:	Jo Crumbaker
Address:	Maricopa County Air Quality Department Policy Advisor 1001 N. Central Ave., Suite 500 Phoenix, AZ 85004
Telephone:	(602) 506-6705
E-mail:	jcrumbak@mail.maricopa.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document may be obtained via the Internet at www.maricopa.gov/aq or through the department's record's office at the cost of $0.25/page. Contact: Records Department Staff, 1001 N. Central Ave., Suite 400, Phoenix, AZ 85004, (602) 506-6201.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M13-352]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Document Title: Ombudsman Review Policy

Identification Number: PP-2013-004

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

November 22, 2013

3. Summary of the contents of the substantive policy statement:

This substantive policy statement informs the general public of Maricopa County Air Quality Department's approach to establish a protocol to process formal requests for departmental review to dispute inspection findings.

4. Federal or state constitutional provision; federal or statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-473(B)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This document replaces "Ombudsman Services Policy," document number A.C. 21, effective May 26, 2009.

6. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name:	Jo Crumbaker
Address:	Maricopa County Air Quality Department Policy Advisor 1001 N. Central Ave., Suite 500 Phoenix, AZ 85004

Telephone: (602) 506-6705

E-mail: jcrumbak@mail.maricopa.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document may be obtained via the Internet at www.maricopa.gov/aq or through the department's record's office at the cost of $0.25/page. Contact: Records Department Staff, 1001 N. Central Ave., Suite 400, Phoenix, AZ 85004, (602) 506-6201.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M13-354]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Document Title: Opportunity to Correct Policy

Identification Number: PP-2011-003

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

November 27, 2013

3. Summary of the contents of the substantive policy statement:

This substantive policy statement informs the general public of Maricopa County Air Quality Department's approach to achieve compliance by uniformly and fairly issuing an enforcement action that is appropriate to the severity of noncompliance. An Opportunity to Correct may be issued instead of a Notice of Violation to correct those instances of noncompliance that meet the criteria of a minor violation based on the considerations stated in this policy.

4. Federal or state constitutional provision; federal or statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-473(B) and A.R.S. § 49-471.03

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This document replaces "Opportunity to Correct," document number PP-2011-003, effective November 7, 2011.

6. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Jo Crumbaker

Address: Maricopa County Air Quality Department
Policy Advisor
1001 N. Central Ave., Suite 125
Phoenix, AZ 85004

Telephone: (602) 506-6010

E-mail: jcrumbak@mail.maricopa.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document may be obtained via the Internet at www.maricopa.gov/aq or through the department's record's office at the cost of $0.25/page. Contact: Records Department Staff, 1001 N. Central Ave., Suite 400, Phoenix, AZ 85004, (602) 506-6010.

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION

GAME AND FISH COMMISSION

[M13-362]

1. The agency name: Game and Fish Commission
2. The Title and its heading: 12, Natural Resources
The Chapter and its heading: 4, Game and Fish Commission
The Article and its heading: 1, Definitions and General Provisions
3, Taking and Handling of Wildlife
Section Numbers: R12-4-114 and R12-4-302

3. The public information relating to the listed Sections:

Due to production issues, the Department will issue nonconforming (paper) hunt permit- and nonpermit-tags and permits. The paper tags and permits will not be made of tear-resistant material with an adhesive back covered by a detachable paper backing as stated under R12-4-114(A) and R12-4-302(F)(1) and (2).

The paper tags and permits will be valid from January 1, 2014 through December 31, 2014.

A person shall use the paper tag/permit only in the season and hunt for which the tag/permit is valid, as specified by Commission Order.

The paper tags and permits will clearly identify the animal and the hunt area for which the tag or permit is valid.

Because the paper tags and permits will not feature tear-resistant material with an adhesive back, a person who purchases a paper tag/permit shall adhere to the following procedures:

1. Protect the paper tag/permit from the elements by placing it in a clear, resealable plastic bag or pouch while afield.
2. After taking the animal specified on the paper tag/permit, the person shall immediately notch the month and date of harvest on the paper tag/permit.
3. After notching the paper tag/permit, the person shall attach the paper tag/permit to the animal by placing the paper tag/permit in the clear, resealable plastic bag or pouch and securely attaching it to the animal. The person may attach the clear, resealable plastic bag or pouch to the animal using a twist-tie, string, wire, tape, or any other method that secures the paper tag/permit to the animal.

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Celeste Cook, Rules Analyst

Address: Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7390

Fax: (623) 236-7677

EXECUTIVE ORDERS, PROCLAMATIONS OF GENERAL APPLICABILITY, AND STATEMENTS ISSUED BY THE GOVERNOR PURSUANT TO A.R.S. § 41-1013(B)(3)

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders, Proclamations of General Applicability, and ceremonial dedications issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

* ASIAN PACIFIC AMERICAN ADVOCACY DAY *

[M13-361]

WHEREAS, Asian Pacific Americans constitute the fastest growing ethnic group in the State of Arizona, with an estimated population of 192,000; and

WHEREAS, Asian Pacific Americans have contributed significantly to communities throughout the State of Arizona and to the development of Arizona; and

WHEREAS, it is important to provide scholarships, health clinics, educational workshops on the path to citizenship, language development, careers, healthy lifestyles, and personal financial management to all Asian Pacific Americans throughout Arizona; and

WHEREAS, improved skills, language, finances, legal status and health can lead to improved opportunity and greater contribution to the State; and

WHEREAS, adults, students, and organizations advocating for and involved in advancing the social, political, and economic well-being of Asian Pacific Americans deserve to be recognized; and

WHEREAS, the Young Believers Gala, organized by OCA Greater Phoenix Chapter, will launch a new era in Asian Pacific American advocacy in the State of Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim January 25, 2014 as

* ASIAN PACIFIC AMERICAN ADVOCACY DAY *

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this sixteenth day of December in the year Two Thousand and Thirteen and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

* BIRTH DEFECTS PREVENTION MONTH *

[M13-359]

WHEREAS, the nation's most precious resource is our children. Congenital anomalies or birth defects are a leading cause of death in the first year of life and can be devastating to families and communities; and

WHEREAS, every four and a half minutes a baby is born in the United States with a birth defect. Birth defects cause one in a every five infant deaths and lead to $2.6 billion per year in hospital costs alone in the United States. In Arizona, birth defects account for about 130 infant deaths every year; and

WHEREAS, half of all pregnancies are unplanned, contributing to late entry into prenatal care and presenting a barrier to optimal pregnancy management, particularly during the crucial early weeks of embryonic development; and

WHEREAS, early identification of a child with a birth defect coupled with early intervention services typically improves the child's quality of life and may even save his or her life; and

WHEREAS, strategies to prevent birth defects include taking a multivitamin with folic acid daily, maintaining a healthy weight, having regular checkups, avoiding alcohol and tobacco use during pregnancy, learning about family history and genetic risks, and managing maternal medical conditions while minimizing unnecessary medication exposure in pregnancy; and

WHEREAS, the Arizona Department of Health Services (Prevention Services, Newborn Screening and the Birth Defects Monitoring Program) joins with the March of Dimes Arizona Chapter, Arizona Chapter of the American Academy of Pediatrics, the Association of the National Birth Defects Prevention Network, as well as many dedicated volunteers, healthcare professionals, and parent groups by participating in this promotion.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim January 2014 as

*** BIRTH DEFECTS PREVENTION MONTH ***

and, I further encourage all citizens to increase awareness, education and services for birth defects, which each year affect thousands of babies in Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of December in the year Two Thousand and Thirteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** CONGENITAL HEART DEFECT AWARENESS WEEK ***

[M13-360]

WHEREAS, congenital heart defects are the most frequently occurring birth defects and a leading cause of birth defect related deaths worldwide; and

WHEREAS, over a million families across America are facing the challenges and hardships of raising children with congenital heart defects, and nearly one million adults in the United States are currently living with a congenital heart defect; and

WHEREAS, every year more than 500 babies in Arizona and nearly 40,000 babies in the United States are born with congenital heart defects; and

WHEREAS, some congenital heart defects are not diagnosed until months or years after birth, complicating diagnosis and treatment, and causing many cases of sudden cardiac death in young athletes who have not been diagnosed with congenital heart conditions; and

WHEREAS, despite these statistics, newborns and young athletes are not routinely screened for congenital heart defects, with a disproportionately small amount of funding available for congenital heart defect research, parent/patient educational services and support; and

WHEREAS, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected

by congenital heart defects to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and

WHEREAS, the establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about congenital heart defects.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim February 7 - 14, 2014 as

*** CONGENITAL HEART DEFECT AWARENESS WEEK ***

and, I further encourage all citizens to increase awareness, education and services for congenital heart defects, which each year affect thousands of babies in Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of December in the year Two Thousand and Thirteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2012-03
State Regulatory Review, Moratorium and Streamlining To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register *until its expiration on December 31, 2014, as a notice to the public regarding state agencies' rulemaking activities.*

[M12-226]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still protecting public health, safety and the environment; and

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the "lean" waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State hereby declare the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is to eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
   a. To fulfill an objective related to job creation in this State.
   b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
   c. To prevent a significant threat to the public health, peace or safety.
   d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rulemaking action.
   e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2014 or is necessary under subparagraph (c) of this paragraph.
   f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
   g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statues, pursuant to section 41-1005, Arizona Revised Statutes.
   h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the Corporation Commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making process.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the office of the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person," "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.
9. This Executive Order expires on December 31, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 26th day of June in the year Two Thousand Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

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PN	=	Proposed new Section	SPXR	=	Supplemental Proposed Exempt repealed Section
PM	=	Proposed amended Section	SPX#	=	Supplemental Proposed Exempt renumbered Section
PR	=	Proposed repealed Section	FXN	=	Final Exempt new Section
P#	=	Proposed renumbered Section	FXM	=	Final Exempt amended Section
PSMN	=	Proposed Summary new Section	FXR	=	Final Exempt repealed Section
PSMM	=	Proposed Summary amended Section	FX#	=	Final Exempt renumbered Section
PSMR	=	Proposed Summary repealed Section	RC	=	Recodified
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FN	=	Final new Section	EM	=	Emergency amended Section
FM	=	Final amended Section	ER	=	Emergency repealed Section
FR	=	Final repealed Section	E#	=	Emergency renumbered Section
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2014 Effective Dates

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
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1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

Deadlines for Publication and G.R.R.C. Schedule

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30/14
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/14	12/2	1/31/14
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/14	12/3	2/1/14
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/14	12/4	2/2/14
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/14	12/5	2/3/14
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/14	12/6	2/4/14
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/14	12/7	2/5/14
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/14	12/8	2/6/14
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/14	12/9	2/7/14
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/14	12/10	2/8/14
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/14	12/11	2/9/14
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/14	12/12	2/10/14
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/14	12/13	2/11/14
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/14	12/14	2/12/14
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/14	12/15	2/13/14
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/14	12/16	2/14/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/14	12/17	2/15/14
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/14	12/18	2/16/14
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/14	12/19	2/17/14
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/14	12/20	2/18/14
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/14	12/21	2/19/14
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/14	12/22	2/20/14
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/14	12/23	2/21/14
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/14	12/24	2/22/14
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/14	12/25	2/23/14
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/14	12/26	2/24/14
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/14	12/27	2/25/14
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/14	12/28	2/26/14
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/14	12/29	2/27/14
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/14	12/30	2/28/14
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/14

Deadlines for Publication and G.R.R.C. Schedule

Register Deadlines

The Secretary of State's Office publishes the *Register* weekly. There is a three-week turnaround period between a deadline date and the publication date of the *Register.* The weekly deadline dates and issue dates are shown below. Council meetings and *Register* deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the *Register.*

Deadline Date (paper only) Friday, 5:00 p.m.	*Register* Publication Date	Oral Proceeding may be scheduled on or after
November 15, 2013	December 6, 2013	January 6, 2014
November 22, 2013	December 13, 2013	January 13, 2014
November 29, 2013	December 20, 2013	January 21, 2014 (Tuesday)
December 6, 2013	December 27, 2013	January 27, 2014
December 13, 2013	January 3, 2014	February 3, 2014
December 20, 2013	January 10, 2014	February 10, 2014
December 27, 2013	January 17, 2014	February 18, 2014 (Tuesday)
January 3, 2014	January 24, 2014	February 24, 2014
January 10, 2014	January 31, 2014	March 3, 2014
January 17, 2014	February 7, 2014	March 10, 2014
January 24, 2014	February 14, 2014	March 17, 2014
January 31, 2014	February 21, 2014	March 24, 2014
February 7, 2014	February 28, 2014	March 31, 2014
February 14, 2014	March 7, 2014	April 7, 2014
February 21, 2014	March 14, 2014	April 14, 2014
February 28, 2014	March 21, 2014	April 21, 2014
March 7, 2014	March 28, 2014	April 28, 2014
March 14, 2014	April 4, 2014	May 5, 2014
March 21, 2014	April 11, 2014	May 12, 2014
March 28, 2014	April 18, 2014	May 19, 2014
April 4, 2014	April 25, 2014	May 27, 2014 (Tuesday)
April 11, 2014	May 2, 2014	June 2, 2014
April 18, 2014	May 9, 2014	June 9, 2014
April 25, 2014	May 16, 2014	June 16, 2014
May 2, 2014	May 23, 2014	June 23, 2014
May 9, 2014	May 30, 2014	June 30, 2014
May 16, 2014	June 6, 2014	July 7, 2014
May 23, 2014	June 13, 2014	July 14, 2014
May 30, 2014	June 20, 2014	July 21, 2014

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate.

All rules and Five-Year Review Reports are due in the Council office by 5:00 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2014

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 18, 2013	December 18, 2013	January 2, 2014	January 7, 2014
December 23, 2013	January 15, 2014	January 28, 2014	February 4, 2014
January 21, 2014	February 12, 2014	February 25, 2014	March 4, 2014
February 18, 2014	March 12, 2014	March 25, 2014	April 1, 2014
March 17, 2014	April 16, 2014	April 29, 2014	May 6, 2014
April 21, 2014	May 14, 2014	May 29, 2014	June 3, 2014
May 19, 2014	June 11, 2014	June 24, 2014	July 8, 2014
June 16, 2014	July 16, 2014	July 29, 2014	August 5, 2014
July 21, 2014	August 13, 2014	August 26, 2014	September 9, 2014
August 18, 2014	September 17, 2014	September 30, 2014	October 7, 2014
September 22, 2014	October 15, 2014	October 28, 2014	November 4, 2014
October 20, 2014	November 12, 2014	November 25, 2014	December 2, 2014
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015