



ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

Senate: RAGE DPA 4-3-0-0 | Third Read 17-12-1-0-0

House: GOV DP 4-3-0-0

SB 1186: document retention; proposals; donations

Sponsor: Senator Shope, LD 16

House Engrossed

Overview

Establishes disclosure requirements related to the Request for Proposal (RFP) and grant application process.

History

The Arizona Procurement Code and procurement process is overseen by the Arizona Department of Administration (ADOA) whose Director serves as the central procurement officer of Arizona. The Director is required to: 1) procure or supervise the procurement of all materials, services and construction needed by the state; 2) establish guidelines for the management of all state material inventories; 3) sell, trade or otherwise dispose of surplus state materials; 4) establish programs for the inspection, testing and acceptance of materials, services and construction; and 5) employ staff, adopt rules and provide consultation as necessary to effectuate the Arizona Procurement Code ([A.R.S. § 41-2511](#)).

State governmental units must award any grant in accordance with the Competitive Grant Process as outlined by statute. A request for grant applications must include at least: 1) a description of the project, including the scope of the work expected of the awardee; 2) the funding source of the grant and the total amount of funds; 3) whether there is a single award or multiple awards; 4) encouragement of collaboration, if applicable; 5) the criteria and factors under which applications will be evaluated; and 6) the application due date.

Grant applications are required to be publicly received at the time and place designated in the request for grant applications. Each applicant name must be publicly read and recorded. Certain information, such as trade secrets and other proprietary information contained in the application, must remain confidential to the extent it is agreed upon between the state and the applicant ([A.R.S. § 41-2702](#)).

A similar bill was introduced in the 57th Legislature, 1st Regular Session, and was [vetoed](#) by the Governor (SB 1612 document retention; proposals; donations).

Provisions

1. Requires a company that currently has a state contract with any Arizona agency or that responds to an RFP to disclose anything of value that the company, its officers or directors or any of their family members have provided, directly or indirectly, during the preceding five years to any of the following:
 - a. the Governor;

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

- b. an entity established, financed, maintained or controlled by the Governor or an agent of the Governor, including:
 - i. a campaign committee;
 - ii. a joint fundraising committee; or
 - iii. an inaugural fund; or
 - c. an entity that advocated for the election of the Governor or for the defeat of an electoral opponent of the Governor, including a political committee or other nonprofit that made any independent expenditures. (Sec. 1)
2. Requires a company that applies for a governmental grant to disclose anything of value that the company, its officers or directors or any of their family members have provided, directly or indirectly, during the preceding five years to any of the following:
- a. the Governor;
 - b. an entity established, financed, maintained or controlled by the Governor, including:
 - i. a campaign committee;
 - ii. a joint fundraising committee; or
 - iii. an inaugural fund; or
 - c. an entity that advocated for the election of the Governor or for the defeat of an electoral opponent of the Governor, including a political committee or other nonprofit that made any independent expenditures. (Sec. 3)
3. Prohibits state agencies and state employees from destroying any notes taken during the evaluation of a company that responds to an RFP. (Sec. 2)
4. Allows contracts that were agreed to after the effective date to be resolicited if a state agency or state employee destroyed any notes from the RFP evaluation of a company. (Sec. 2)