



State Procurement Office

100 N 15<sup>th</sup> AVE, STE 201, PHOENIX, AZ 85007

# Procurement Determination: Competition Impractical Procurement Authorization

## Sections 1 through 3 **MUST** be completed

Use Attachments as Necessary

**1) Agency:** Arizona Department of Health Services (ADHS) Bureau of Epidemiology and Disease Control (EDC)

**Name:** Thomas Salow

**Title:** Branch Chief, Division of Licensing

**Phone:** (602) 364-1935

**Email:** Thomas.salow@azdhs.gov

**Subject Materials or Services:** Legal Services with Coppersmith Brockelman PLC.

**Estimated Cost:** Total amount unknown. Estimated NTE \$1,000,000.00. Will depend on the amount of litigation related to Prop 207 for Recreational Marijuana.

**2) Provide full description of materials or services:** Contract CTR053734 with Coppersmith Brockelman PLC.

**3) Provide justification:**

The Arizona Medical Marijuana Act, which is codified in A.R.S. § Title 36, Chapter 28.1 legalizes the medical use of marijuana. Pursuant to A.R.S. Title 36, Chapter 28.1 the Arizona Department of Health Services ADHS is tasked with regulating the medical use of marijuana and is authorized to promulgate rules and implement a regulatory system for such activity, including the licensure of Non-Profit Medical Marijuana Dispensaries.

The Smart and Safe Arizona Act, which is codified in A.R.S. § Title 36, Chapter 28.2 (Responsible Use of Marijuana), legalizes marijuana use and possession for people twenty-one (21) years of age and over, was passed by Arizona voters through Proposition 207 and partially went into effect on November 30, 2020. Pursuant to A.R.S. § Title 36, Chapter 28.2 the ADHS is tasked with regulating the legal adult use of marijuana and is authorized to promulgate rules and implement a regulatory system for such activity, including the licensure of Marijuana Establishments.

Pursuant to A.R.S. § 36-2854(H), NOTWITHSTANDING SECTION 41-192, THE DEPARTMENT MAY EMPLOY LEGAL COUNSEL AND MAKE AN EXPENDITURE OR INCUR AN INDEBTEDNESS FOR LEGAL SERVICES FOR THE PURPOSES OF: 1. DEFENDING THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER and 2. DEFENDING CHAPTER 28.1 OF THIS TITLE OR RULES ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE. Therefore, ADHS is employing legal counsel to represent and defend the Department, its Director, and any of its agents or assigns, in actions arising out of A.R.S. § Title 36, Chapter 28.1 and 28.2 and any rules adopted or that may be adopted pursuant thereto.

In addition, the Contractor shall assist in the creation and implementation of a social equity ownership program, implementation of a grant program for qualified entities to assist with the expungement petition process, administration of the Justice Reinvestment Fund and development of a justice reinvestment program(s).

Therefore, it is in the best interest of the state to approve this Competition Impracticable request.

**Note:** In accordance with the Procurement Rules, the Arizona Uniform Terms and Conditions must be made a part of all contracts. If you will be required to sign a software licensing agreement or sign any other agreement containing terms and conditions, which will be made part of the final contract, you must receive prior approval from the Office of the Attorney General.

Approval of this request does not allow for agencies to exceed their dollar acquisition amount of delegated authority.

To Be Completed by Procurement Authority:

APPROVAL

☒ Request Authorized Pursuant to: R2-7-E303

☐ Request Denied:

☐ Request Returned for Additional Information:

☐ See Comments:

Comments:

**Approved by:**

Signature:

Christine Ruth  
Digitally signed  
by Christine Ruth  
Date: 2021.01.28  
13:06:56 -07'00'

Title:  
Chief Procurement Officer

Date:

12.22.2020 – finalized 01.28.2021

**AGENCY NOTICE:** This is your official written determination in response to your procurement authorization request. The original request shall be maintained in the State Procurement Office.