

Procurement Determination:
Competition Impracticable Authorization
A.A.C. R2-7-E303

SECTIONS I THROUGH III MUST BE COMPLETED BY THE REQUESTOR
USE ADDITIONAL PAGE AS NECESSARY

SECTION I - State Governmental Unit Request

1. State Governmental Unit

ADOA-SPO

2. Requestor

Kim Shelley

3. Email

kim.shelley@azdoa.gov

4. Title

Sr. Manager of Compliance and Training

5. Telephone

602-317-1448

SECTION II - Background

6. Service(s)/Material(s)

Outside Legal Counsel

7. Supplier

IV0000045813
Coppersmith Brockelman PLC
2800 N Central Ave. Ste. 1900
Phoenix AZ 85004
602-224-0999

8. Contract ID

CTR071079

9. CI Type

- Modification pursuant to R2-7-E303(E) for a CI modification

10. Requesting Term

4-11-2027 (no change)

11. Estimated Cost

NTE \$3M (no change)

SECTION III - Justification

12. Rationale

- Compliance with A.R.S. §§ 41-2533, 41-2534, 41-2538, or 41-2578 is impracticable

13. Provide details of the procurement need, reason for the competition impracticable, and how the proposed procurement is advantageous to the State

This modification adds ADOA as an eligible agency/user on the existing ADHS contract, CTR071079, Outside Legal Counsel for litigation claims related to the Sober Living Assisted facilities.

This CI will allow for the oversight of the litigation process to transfer from ADHS to ADOA Risk Management.

14. Describe the procurement process, strategy to promote competition, and determination that the price is fair and reasonable

This modification adds ADOA as an eligible agency/user on the existing ADHS contract, CTR071079, Outside Legal Counsel for litigation claims related to the Sober Living Assisted facilities.

This CI will allow for the oversight of the litigation process to transfer from ADHS to ADOA Risk Management.

The pricing remains fair and reasonable as no increases were incurred and the not to exceed threshold and term have not changed.

15. I have conducted research and determined that no mandatory state contract is available for the service(s)/material(s)



16. If needed, I have attached additional documents/clarifications/explanations to the request



17. Signature



18. Date of Request

11/6/2024

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, these will need additional review to ensure that the terms and conditions do not invalidate the Arizona Uniform Terms and Conditions. Approval of this request does not allow for agencies to exceed their dollar acquisition amount of delegated authority.

TO BE COMPLETED BY PROCUREMENT AUTHORITY

SECTION IV - Approval

19. Determination

- Request Authorized Pursuant to R2-7-E303

20. Approved Expiration Date

4-11-2027

21. Comments, conditions, or restrictions (as applicable)

22. Print Name

David Steuber

23. Title

State Procurement Administrator

24. Signature


David Steuber (Nov 6, 2024 12:32 MST)

25. Date of Approval

11/06/2024

STATE GOVERNMENTAL UNIT NOTICE: *This is an official written determination in response to a procurement authorization request.*

A copy of the form shall be maintained by the State Governmental Unit and the State Procurement Office.

Upon completion, Requestor shall forward the signed form to the Contract Owner.

Contract Owner shall upload the signed approval version of this form in the eProcurement system.

If anticipated expenditure is above State Governmental Unit's delegation, forward document to SPOCompliance@azdoa.gov.

Procurement Determination:
Competition Impracticable Authorization
A.A.C. R2-7-E303

SECTIONS I THROUGH III MUST BE COMPLETED BY THE REQUESTOR
USE ADDITIONAL PAGE AS NECESSARY

SECTION I - State Governmental Unit Request

1. State Governmental Unit

Arizona Department of Health Services

2. Requestor

Gina Corwin

3. Email

Gina.Corwin@azdhs.gov

4. Title

Chief Procurement Officer

5. Telephone

602-689-8669

SECTION II - Background

6. Service(s)/Material(s)

Outside Legal Counsel

7. Supplier

IV0000045813
Coppersmith Brockelman PLC
2800 N Central Ave. Ste. 1900
Phoenix AZ 85004
602-224-0999

8. Contract ID

CTR071079

9. CI Type

- Authorization Request for a new CI

10. Requesting Term

3 years from contract signature

11. Estimated Cost

\$3,000,000

SECTION III - Justification

12. Rationale

- Documented lack of suppliers

13. Provide details of the procurement need, reason for the competition impracticable, and how the proposed procurement is advantageous to the State

In accordance with ARS 36-132.21, the Arizona Department of Health Services license and regulate the health and safety of group homes and behavioral-supported group homes for persons with developmental disabilities. The Bureau of Special Licensing conducts licensing inspections, on-site surveys, and complaint investigations to promote quality care and safety and ensure that performance standards are met. Pursuant to section 41-1093.01, Arizona Revised Statutes, an agency shall limit all occupational regulations to regulations that are demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern.

Per request from the Governor's Office, ADHS is seeking outside legal representation with Coppersmith Brockelman to support litigation claims related to the Sober Living Assisted Facilities. Coppersmith Brockelman has an extensive history supporting the Department of Health Services and is familiar with the unique needs surrounding this sensitive subject.

The list of outside legal counsel contracts has been reviewed. None have been determined to be appropriate due to a lack of specialized expertise in the practice area, and/or conflicts of interest that would preclude representation. Therefore, it is advantageous for the State to utilize Coppersmith Brockelman to support the Arizona Department of Health Services for legal representation related to Sober Living Assisted litigation claims.

ADHS is requesting an initial two (2) year term with the option to renew for an additional twelve (12) month period. If additional services are still required after the three (3) year term, a supplemental CI determination shall be required and the Contract may be extended for two (2) additional twelve (12) month periods, not to exceed a total term of five (5) years.

14. Describe the procurement process, strategy to promote competition, and determination that the price is fair and reasonable

Per ARS 41-192(E): allows a state agency to hire their own outside counsel due to a conflict of interest. Due to a current conflict, the AG's office has recused themselves and are unable to provide approval to select outside legal counsel.

All current Contractors for legal counsel have been reviewed for the needed specialized expertise in the required practice area. None have been determined to be appropriate due to a lack of specialized expertise in the practice area, and/or conflicts of interest that would preclude representation; therefore, competition is impracticable and ADHS is moving forward with Coppersmith Brockelman.

The pricing is determined to be fair and reasonable in comparison to the fees for firms on State contracts and in comparison to the rates for services in the specialized field.

15. I have conducted research and determined that no mandatory state contract is available for the service(s)/material(s) ☒

16. If needed, I have attached additional documents/clarifications/explanations to the request ☐

17. Signature

Gina
Corwin

Digitally signed by
Gina Corwin
Date: 2024.04.08
10:39:22 -07'00'

18. Date of Request

4/08/2024

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, these will need additional review to ensure that the terms and conditions do not invalidate the Arizona Uniform Terms and Conditions. Approval of this request does not allow for agencies to exceed their dollar acquisition amount of delegated authority.

TO BE COMPLETED BY PROCUREMENT AUTHORITY

SECTION IV - Approval

19. Determination

- Request Authorized Pursuant to R2-7-E303

20. Approved Expiration Date

Three years from contract signature, or June 30, 2027 whichever is first

21. Comments, conditions, or restrictions (as applicable)

22. Print Name

David Steuber

23. Title

State Procurement Administrator

24. Signature


David Steuber (Apr 8, 2024 12:05 PDT)

25. Date of Approval

Apr 8, 2024

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