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Contract Number: CTR076148

Services: Outside Legal Counsel, Coppersmith Brockelman, PLC

Competition Impractical Determination

Following a thorough review in coordination with the State Procurement Office, it has been determined that the Arizona Department of Water Resources (ADWR) is exempted from the requirements imposed on state agencies with respect to legal services, as explicitly stated in Arizona Revised Statutes (A.R.S.) § 41-192(D).

A.R.S. § 41-192(D) outlines the exemptions from the aforementioned restrictions, and it specifically includes the ADWR. The section states, "Notwithstanding any law to the contrary, except as provided in subsections E and F of this section, no state agency other than the attorney general shall employ legal counsel or make an expenditure or incur an indebtedness for legal services, but the following are exempt from this section:"

The inclusion of the ADWR in the list of exemptions is based on the recognition that legal services are indispensable for the effective functioning of the ADWR's operations and its ability to fulfill its statutory obligations. The legislature has acknowledged the unique nature of the ADWR's responsibilities, and consequently, has granted it an exemption from the restrictions on legal counsel that are applicable to other state agencies.

This exemption is crucial for several reasons:

1. **Specialized Expertise:** The ADWR deals with complex legal matters pertaining to water resources management, regulation, and administration. The exemption acknowledges the need for the ADWR to access specialized legal expertise to effectively carry out its responsibilities.
2. **Ensuring Compliance:** The ADWR operates within a legal framework that includes various statutes, regulations, and administrative rules. The exemption recognizes the necessity of legal counsel to ensure that the ADWR operates in compliance with these legal requirements.
3. **Protection of Water Rights:** The ADWR plays a pivotal role in protecting and managing Arizona's water resources. The exemption acknowledges that legal services are vital in safeguarding water rights and resolving legal disputes related to water rights allocation and usage.

ADWR has further been exempted from the solicitation and award requirements under A.R.S. § 41-2533, and/or A.R.S. § 41-2534 pursuant to A.A.C. R2-7-E303 and the signed Competition Impractical Authorization dated March 17, 2025.

Brett Peterson



Brett Peterson (Mar 18, 2025 17:19 PDT) Mar 18, 2025

Senior Procurement Officer/ CPO

Nicole Klobas

Nicole D. Klobas

Mar 18, 2025

Chief Counsel

APC_ExemptionDetermination

Final Audit Report

2025-03-19

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