

Subject: Procurement Guidance during school closures

Arizona Auditor General

Dear Arizona School District Officials:

The Coronavirus Disease 2019 (COVID-19) pandemic has left many districts wondering how to adjust their procurement procedures during school closures. The [Arizona Attorney General issued an informal procurement opinion](#) on March 23, 2020, stating that districts should continue following [Arizona Revised Statutes \(A.R.S.\) Title 41, Ch. 23](#) and the School District Procurement Rules [[Arizona Administrative Code R7-2-1001 et seq.](#)] to the best of their ability during the State-wide school closure announced on March 15, 2020, and extended on March 20, 2020, by the Governor and Superintendent of Public Instruction. [Arizona Department of Education guidance](#) states that this school closure is not a complete shutdown of school operations and that districts should plan for continuity in education and critical services during this time.

As districts' staff identify the essential contracts that must be procured and in place for the continuity of operations going into the next fiscal year, districts should consider the following procedures in response to the available COVID-19 guidance:

- Districts that choose to accept bid or proposal submissions electronically in accordance with A.R.S. §15-213(A)(3) should ensure their processes comply with rules adopted by the Arizona Department of Administration concerning electronic online bidding and with the requirements of R-7-2-1021 through R7-2-1032 or R7-2-1041 through R7-2-1050 for bids and proposals, respectively, to ensure bids and proposals are stored securely until the due date and time.
- Districts may consider alternate means to receive bids and proposals if district offices are closed for regular business and deliveries. For example, districts may stop mail delivery and designate an employee to retrieve the mail from the post office on the closing date to determine if bids or proposals are received as required. Districts may also obtain a post office box for mail delivery and follow similar procedures to retrieve the bids or proposals on the closing date.
- Districts should open bids and proposals publicly at the date, time, and place designated in the solicitation. This may require districts to modify their normal opening and recording processes to comply with recent recommendations from the Centers for Disease Control and Prevention (CDC) to cancel or postpone gatherings of 10 or more people. The Arizona Attorney General issued guidance relating to [Arizona's Open Meeting Law and COVID-19](#) on March 13, 2020. This guidance includes suggestions for holding remote public meetings through technological means, such as the district's conference call, webinar, or video conferencing tools. Districts should communicate any modifications made to a district's process using an amendment to the solicitation.

- Districts may use technological means to conduct evaluation committee meetings.
- Districts should be flexible in providing extensions to vendor performance dates if telework or other flexible work solutions, such as virtual work environments, are not possible, or if a vendor is unable to perform in a timely manner because of quarantining, social distancing, or other COVID-19 related interruptions and prepare for the effects of delays on district operations. Districts should amend or extend the contract with agreed-upon modifications to performance dates or delivery schedules.
- Districts may follow the provisions for emergency procurements and reporting in AAC R7-2-1055 and R7-2-1056 in some circumstances. However, districts should be aware that NOT every purchase made during this period may be considered as an emergency need.
- Districts should consult legal counsel to ensure compliance with all applicable procurement laws and regulations and maintain sufficient documentation to support decisions.

Please forward this email to any additional employees who are responsible for or involved with procurement and purchasing.

We want to assure you we are monitoring the situation and are sensitive to the issues districts are facing at this time. We will continue to monitor State and federal guidance and provide further updates as additional details become available. In addition to our [school district FAQs](#) and resources, we will post any COVID-19 related guidance our Office issues on our website.

In the meantime, if you have any questions, please contact Megan Smith or Cris Cable, Accountability Services Managers, at asd@azauditor.gov or (602) 977-2796.

Sincerely,
Lindsey Perry, CPA, CFE
Auditor General



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