

Senate Engrossed

FILED**Jane Dee Hull
Secretary of State**

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

CHAPTER 14

SENATE BILL 1017

AN ACT

AMENDING SECTION 41-2616, ARIZONA REVISED STATUTES; RELATING TO THE
PROCUREMENT CODE.

- 1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-2616, Arizona Revised Statutes, is amended to
3 read:
4 41-2616. Violation; classification; liability; civil penalty;
5 enforcement authority
6 A. A person who contracts for or purchases any material, services or
7 construction in a manner contrary to the requirements of this chapter, the
8 rules adopted pursuant to this chapter, the rules adopted by the state board
9 of education pursuant to section 15-213 or rules adopted by the Arizona board
10 of regents, the Arizona lottery commission or the judicial branch pursuant
11 to section 41-2501 is personally liable for the recovery of all public monies
12 paid plus twenty per cent of such amount and legal interest from the date of
13 payment and all costs and damages arising out of the violation.
14 B. A person who intentionally or knowingly contracts for or purchases
15 any material, services or construction pursuant to a scheme or artifice to
16 avoid the requirements of this chapter, rules adopted pursuant to this
17 chapter, rules adopted by the state board of education pursuant to section
18 15-213 or rules adopted by the state board of regents, the state lottery
19 commission or the judicial branch pursuant to section 41-2501 is guilty of
20 a class 4 felony.
21 C. A PERSON WHO SERVES ON AN EVALUATION COMMITTEE FOR A PROCUREMENT
22 SHALL SIGN A STATEMENT BEFORE REVIEWING BIDS OR PROPOSALS THAT THE PERSON HAS

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1 NO INTEREST IN THE PROCUREMENT OTHER THAN THAT DISCLOSED AND WILL HAVE NO
2 CONTACT WITH ANY REPRESENTATIVE OF A COMPETING VENDOR RELATED TO THE
3 PARTICULAR PROCUREMENT DURING THE COURSE OF EVALUATION OF BIDS OR PROPOSALS,
4 EXCEPT THOSE CONTACTS SPECIFICALLY AUTHORIZED BY SECTIONS 41-2534, 41-2537,
5 41-2538 AND 41-2578. THE PERSON SHALL DISCLOSE ON THE STATEMENT ANY CONTACT
6 UNRELATED TO THE PENDING PROCUREMENT THAT THE PERSON MAY NEED TO HAVE WITH
7 A REPRESENTATIVE OF A COMPETING VENDOR AND ANY CONTACT WITH A REPRESENTATIVE
8 OF A COMPETING VENDOR DURING EVALUATION OF BIDS OR PROPOSALS EXCEPT THOSE
9 CONTACTS SPECIFICALLY AUTHORIZED BY SECTIONS 41-2534, 41-2537, 41-2538 AND
10 41-2578. A PERSON WHO SERVES ON AN EVALUATION COMMITTEE AND WHO FAILS TO
11 DISCLOSE CONTACT WITH A REPRESENTATIVE OF A COMPETING VENDOR OR WHO FAILS TO
12 PROVIDE ACCURATE INFORMATION ON THE STATEMENT IS SUBJECT TO A CIVIL PENALTY
13 OF AT LEAST ONE THOUSAND DOLLARS BUT NOT MORE THAN TEN THOUSAND DOLLARS.
14 ~~C~~ D. The attorney general on behalf of this state shall enforce the
15 provisions of this chapter.

APPROVED BY THE GOVERNOR MARCH 21, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 1996