

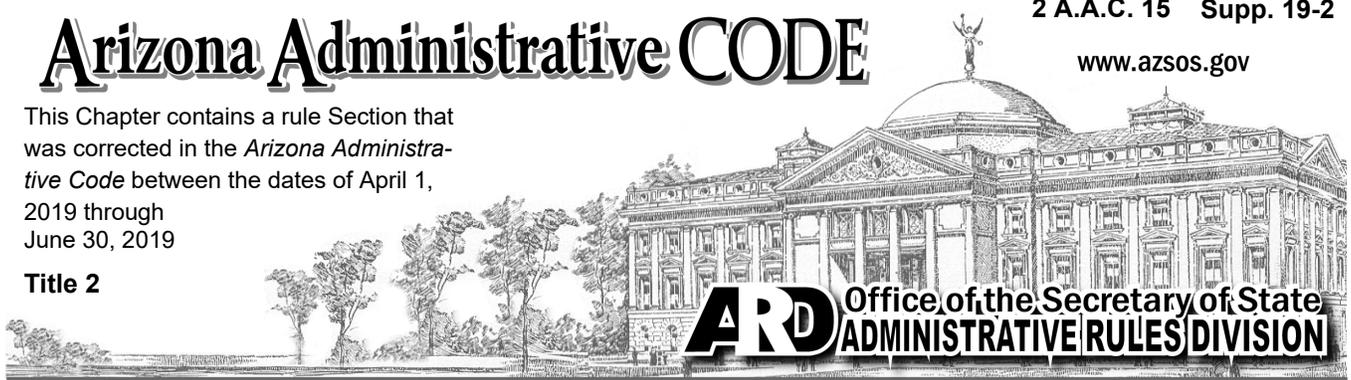
Arizona Administrative CODE

2 A.A.C. 15 Supp. 19-2

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This Chapter contains a rule Section that was corrected in the *Arizona Administrative Code* between the dates of April 1, 2019 through June 30, 2019

Title 2



TITLE 2. ADMINISTRATION

CHAPTER 15. DEPARTMENT OF ADMINISTRATION - GENERAL SERVICES DIVISION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Spelling error corrected in R2-15-303(E)(3) at the request of the Department of Administration (File No. 18-256). No other changes have been made to this Chapter since Supp. 12-2. Since the error is being corrected this Chapter is being electronically authenticated in Supp. 19-2.

Questions about these rules? Contact:

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The release of this Chapter in Supp. 19-2 replaces Supp. 12-2, 1-6 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2019 is cited as Supp. 19-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.



Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 2. ADMINISTRATION

CHAPTER 15. DEPARTMENT OF ADMINISTRATION - GENERAL SERVICES DIVISION

Editor's Note: Chapter heading amended from Department of Administration, Management Services Division to Department of Administration, General Services Division by final rulemaking at 18 A.A.R. 1261, effective July 6, 2012 (Supp. 12-2).

Editor's Note: The former heading for 2 A.A.C. 15 was Department of Administration, General Services Division (Supp. 00-4).

ARTICLE 1. RESERVED

ARTICLE 3. MATERIALS MANAGEMENT

ARTICLE 2. FLEET MANAGEMENT

(Authority: A.R.S. § 41-803(B))

Article 3, consisting of Sections R2-15-301 through R2-15-310, transferred from Title 2, Chapter 7, Article 8, Sections R2-7-801 through R2-7-810, Department of Administration, Finance Division, Purchasing Office.

Former Article 2, consisting of Sections R2-15-201 through R2-15-209, transferred from Title 2, Chapter 1, Article 2, Sections R2-1-201 through R2-1-209 (Supp. 91-3).

Table listing sections R2-15-201 through R2-15-209 with their respective topics and page numbers.

Table listing sections R2-15-301 through R2-15-310 with their respective topics and page numbers.

CHAPTER 15. DEPARTMENT OF ADMINISTRATION - GENERAL SERVICES DIVISION

ARTICLE 1. RESERVED**ARTICLE 2. FLEET MANAGEMENT****R2-15-201. Definitions**

The following terms apply to this Article:

“Accident reporting packet” means the automobile loss report form and witness information cards in the glove compartment of each Fleet Management vehicle.

“ADOA” means the Arizona Department of Administration.

“Approved fueling facility” means a location managed by ADOA or the Arizona Department of Transportation to dispense fuel to Fleet Management vehicles.

“Capitol area” means that area within a ten-mile radius of the State Capitol Complex.

“Director” means the Director of ADOA.

“Domicile-to-duty travel” means travel between an operator’s residence and worksite as prescribed under A.R.S. § 38-622.

“Extended dispatch vehicle” means a Fleet Management vehicle that is dispatched full-time to a using agency that has continuing requirements for official state business travel.

“Fleet administrator” means the person designated by the Director to administer the Fleet Management program.

“Fleet Management” means the section of the ADOA that administers all state-owned vehicles, except those specified in A.R.S. § 41-803(E).

“Fleet Management facility” means the dispatch center, alternative fuel depot, and car wash facility located at 1501 W. Madison, Phoenix, Arizona 85007.

“Fleet Management vehicle” means any state vehicle owned and managed by Fleet Management.

“Maintenance provider” means a person contracting with Fleet Management to provide vehicle maintenance.

“Operator” means a driver of a Fleet Management vehicle.

“Recall” means a demand to return an extended dispatch vehicle because of failure to comply with this Article.

“Taxi” means a general purpose passenger vehicle on a temporary, short-term dispatch assignment.

“Using agency” means any agency to which a Fleet Management vehicle is dispatched.

“Vehicle rotation” means the periodic reassignment of vehicles dispatched to using agencies to equalize use.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-201 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 4265, effective October 20, 2000 (Supp. 00-4).

R2-15-202. Vehicles, Operators, and Uses

- A.** Any state employee holding a valid Arizona driver’s license may be an operator if authorized by the employee’s agency.
- B.** An operator shall use a Fleet Management vehicle only for state government activities as prescribed under A.R.S. § 38-538.02. Prohibited uses include the following:
 1. Domicile-to-duty transportation of a state employee, unless specifically authorized by the employee’s agency director and approved by the ADOA Director;
 2. Personal convenience; or
 3. Transportation of family members or friends, or any person not essential to accomplishing the purpose for which the vehicle is dispatched.

- C.** Fleet Management shall ensure that a Fleet Management vehicle:
 1. Bears a current state license plate in accordance with A.R.S. §§ 28-2351 and 28-2416,
 2. Bears designations in accordance with A.R.S. § 38-538,
 3. Is registered with the Arizona Department of Transportation Motor Vehicle Division, and
 4. Complies with state emissions laws.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Repealed effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-202 (Supp. 91-3). New Section adopted by final rulemaking at 6 A.A.R. 4265, effective October 20, 2000 (Supp. 00-4). Amended by final rulemaking at 18 A.A.R. 1261, effective July 6, 2012 (Supp. 12-2).

R2-15-203. Operator Responsibilities

- A.** Fueling facilities.
 1. An operator shall use an approved fueling facility whenever available. If an approved fueling facility is not available, an operator shall use a fueling facility that accepts the Fleet Management-issued credit card, if possible.
 2. An operator assigned an alternative fuel vehicle shall use alternative fuel whenever available.
 3. An operator shall use fuel from regular unleaded self-service pumps.
 4. Except in the case of emergency, operators within the Capitol area shall use the ADOA Fleet Management facility to refuel Fleet Management vehicles.
- B.** Purchases and repairs.
 1. An operator shall use the Fleet Management-issued credit card for purchases and repairs only on Fleet Management vehicles.
 2. An operator shall obtain authorization from the maintenance provider before making a purchase or repair for a Fleet Management vehicle that costs more than \$50.00.
- C.** Accident reporting.
 1. An operator shall report a fleet management vehicle accident to the police and shall make a written report to Fleet Management within 24 hours after the accident using the automobile loss report form contained in the accident reporting packet. If the operator is incapacitated, the operator’s supervisor shall make the report.
 2. The operator and the operator’s supervisor shall sign the automobile loss report and give it to Fleet Management within 24 hours after the accident.
 3. If another driver is involved, the operator shall request that the other driver fill out the witness information card located in the accident reporting packet. The operator shall obtain the name and telephone number of any witness.
 4. The operator shall submit the police report regarding the accident to Fleet Management within 10 calendar days after the accident.
- D.** Traffic citations.
 1. An operator is personally responsible for the prompt payment of any fine for a moving or non-moving traffic citation, other than for mechanical failure, received while driving a Fleet Management vehicle.
 2. If a citation is received for mechanical failure, the operator shall, as soon as possible, deliver the vehicle, with the citation, to Fleet Management for repair.
 3. An operator who receives a traffic citation while driving a Fleet Management vehicle and fails to resolve the matter within 90 calendar days of the citation shall lose the privilege of operating a Fleet Management vehicle. The oper-

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ator's privilege shall be reinstated when the operator provides Fleet Management with verification that the operator paid the fine, successfully contested the traffic citation, or attended traffic school and possesses a valid driver's license.

- E. Vehicle operation.**
1. The operator and all passengers shall wear seat belts while the vehicle is in motion.
 2. An operator is responsible for the safe and careful operation of a Fleet Management vehicle and for observing all directives issued by the Governor.
- F. Care of vehicles.** An operator shall ensure that:
1. A Fleet Management vehicle is properly warmed as prescribed in the vehicle operation manual before operation;
 2. A Fleet Management vehicle is kept clean and free of litter;
 3. Any defect or malfunction is promptly reported to Fleet Management. If the Fleet administrator determines that the operator is negligent and fails to safeguard the Fleet Management vehicle, the cost of any resulting damage shall be billed to the using agency;
 4. The vehicle maintenance schedule is followed. Fleet Management vehicles not brought in for scheduled service are subject to recall; and
 5. Smoking does not occur in a Fleet Management vehicle.
 - a. If Fleet Management determines that smoking occurred in a Fleet Management vehicle, the operator's agency shall be billed for the cleaning expense.
 - b. A subsequent incident of smoking in a Fleet Management vehicle shall result in the operator losing the privilege to operate a Fleet Management vehicle.
- G. Taxi return.** An operator shall return a taxi to Fleet Management on the return date specified, unless an extension of the return date is approved by the Fleet Administrator.
- H. Loaning vehicles to other state employees.** An operator to whom a Fleet Management vehicle is dispatched is responsible for proper use of the vehicle. Before allowing another state employee to drive the vehicle, the operator to whom the vehicle is dispatched shall verify that the other state employee is properly licensed and instructed in the proper use of Fleet Management vehicles.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-203 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 4265, effective October 20, 2000 (Supp. 00-4).

R2-15-204. Repealed**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-204 and paragraph labeling corrected (Supp. 91-3). Section repealed by final rulemaking at 6 A.A.R. 4265, effective October 20, 2000 (Supp. 00-4).

R2-15-205. Vehicle Request Procedures

- A.** Using agencies may request either taxis or extended dispatch vehicles.
- B. Taxis**
1. Fleet Management shall fill reservations for a taxi on a first-come, first-serve basis. Vehicles shall be reserved in person, by telephone, in writing, or by electronic means.
 2. Fleet Management shall hold a reserved taxi for one hour beyond the stipulated time of dispatch. If, by that time,

the requesting agency does not pick up the taxi, the request shall be canceled and the taxi shall be dispatched to the next requestor.

3. If a requesting agency fails to pick up a taxi, Fleet Management shall bill the agency for one day's use.
- C. Extended dispatch vehicles**
1. An extended dispatch vehicle request shall be approved by the head of the requesting agency, or the agency head's designee, and forwarded to the Fleet Administrator.
 2. If the extended dispatch vehicle request cannot be satisfied with existing resources, the requesting agency may request appropriated funds for purchase of a vehicle in the next budget cycle, coordinating the request with the Fleet Administrator and the Office of Strategic Planning and Budgeting.
 3. If funds are available, the requesting agency shall purchase the vehicle through Fleet Management and assign the vehicle to the Fleet Management maintenance and replacement program.
 4. The requesting agency shall transfer the appropriate funding to Fleet Management before the vehicle is ordered.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-205 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 4265, effective October 20, 2000 (Supp. 00-4).

R2-15-206. Special Equipment

An agency requesting specially installed equipment such as two-way radios, sirens, cages, or tanks shall submit the request in writing to the Fleet Administrator. The using agency shall pay for the equipment, for installation of the equipment, and for restoration expenses or diminution in value caused by modifications made to install special equipment.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Editorial correction, subsection (B), paragraph (3) (Supp. 84-2). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-206 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 4265, effective October 20, 2000 (Supp. 00-4).

R2-15-207. Billing Rates

- A.** Charges for extended dispatch vehicles are determined by a rate methodology that consists of a cost-per-month charge, a cost-per-mile charge, and a charge for fuel use.
- B.** Charges for taxi vehicles are determined by a rate methodology that consists of a cost-per-day charge and a charge for fuel use.
- C.** Fleet Management rates may vary from fiscal year to fiscal year depending upon the size of the fleet and the cost of new vehicles, maintenance, repairs, overhead, and insurance costs.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-207 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 4265, effective October 20, 2000 (Supp. 00-4).

R2-15-208. Repealed**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Repealed effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-208 (Supp. 91-3).

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R2-15-209. Repealed**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred from R2-1-209 (Supp. 91-3). Section repealed by final rulemaking at 6 A.A.R. 4265, effective October 20, 2000 (Supp. 00-4).

ARTICLE 3. MATERIALS MANAGEMENT**R2-15-301. Definitions**

In this Article, unless the context otherwise states:

“Capital asset” has the same meaning as “nonexpendable materials” in A.R.S. § 41-2601.

“Department” means the Department of Administration.

“Direct transfer” means the transfer of surplus or excess materials by the Surplus Property Management Office from one state governmental unit to another without physically moving the property to the Surplus Property Management Office.

“Director” means the director of the Department of Administration.

“Established markets” means those places where materials are regularly bought and sold at prices set by open competition.

“Fair market value” means the price at which sales have been consummated for materials of like type, quality, and quantity in a particular market at the time of acquisition.

“General Accounting Administrator” means the person holding the position as Administrator of the General Accounting Office, Financial Services Division of the Department of Administration.

“Posted prices” means the sale price determined by the Surplus Property Administrator to be fair market value.

“State governmental unit” means any department, commission, council, board, bureau, committee, institution, agency, government corporation or other establishment or official of the executive branch or corporation commission of this state. A.R.S. § 41-2503.

“State plan of operation” means the agreement for acquiring federal surplus property between the state and the United States General Services Administration.

“Surplus Property Administrator” means the person holding the position as Administrator of the Surplus Property Management Office, Management Services Division of the Department of Administration.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-801 (Supp. 91-3). Amended effective April 2, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).

R2-15-302. Repealed**Historical Note**

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-802 (Supp. 91-3). Section repealed by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).

R2-15-303. Disposition

- A. The Surplus Property Administrator shall act on behalf of the state in all matters pertaining to the disposition of excess and surplus materials.
- B. Except as specifically authorized for the Department of Public Safety under A.R.S. § 41-1713(B)(7), the Arizona Exposition and State Fair Board under A.R.S. § 3-1007(A)(1), Arizona Correctional Industries under A.R.S. §§ 41-1623(E) and 41-1624(B), and the Department of Mines and Mineral Resources under A.R.S. § 27-105(6), a state governmental unit shall not transfer, sell, trade-in, condemn, or otherwise dispose of materials owned by the state without written authorization from the Surplus Property Administrator.
- C. Each state governmental unit shall notify the Surplus Property Administrator of all excess and surplus materials on forms provided by the Surplus Property Administrator. The Surplus Property Administrator shall determine the fair market value of excess and surplus materials.
- D. The Surplus Property Administrator shall facilitate the transfer of excess or surplus materials to or between state agencies, political subdivisions, and eligible nonprofit institutions. The transfer document for state materials shall indicate that the recipient agrees not to transfer title or dispose of the materials within a six-month period, except for motor vehicles, which have a 12-month restriction, without prior approval of the Surplus Property Administrator.
- E. Disposition of surplus materials.
 1. The Surplus Property Administrator shall offer surplus materials through competitive sealed bids, public auction, online sales, established markets, or posted prices. If unusual circumstances render the above methods impractical, the Surplus Property Administrator may employ other disposition methods, including appraisal or barter, provided the Surplus Property Administrator makes a written determination that the procedure is advantageous to the state. The following methods of payment for surplus materials are accepted by the Surplus Property Administrator: a United States Postal Money Order, certified check, cashier’s check, and cash. Other methods of payment may be approved by the Surplus Property Administrator if the Surplus Property Administrator determines the method to be in the best interest of the state.
 2. Competitive sealed bidding. The Surplus Property Administrator shall ensure that:
 - a. Sale notices are publicly available from the Surplus Property Office at least five days before the date set for opening bids;
 - b. Each sale notice lists materials offered for sale, location of materials, and availability of materials for inspection, terms and conditions of sale, and instructions to bidders, including the place, date, and time set for the bid opening;
 - c. Bids are opened publicly;
 - d. Awards are made in accordance with the provisions of the sale notice; and
 - e. Awards are made to the highest responsive and responsible bidder, provided that the price offered by the highest responsive and responsible bidder is acceptable to the Surplus Property Administrator. If the Surplus Property Administrator determines that a bid is not advantageous to the state, the Surplus Property Administrator may reject the bid in whole or in part, resolicit bids a bid, or negotiate the sale, provided that the negotiated sale price is higher than

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the highest responsive and responsible bidder's price.

3. The Surplus Property Administrator shall advertise a public auction at least three times before the auction date; and ensure that all terms and conditions of any sale are available to the public at least 24 hours before the auction or, in the case of online sales, within the sales notice.
4. The Surplus Property Administrator shall determine whether surplus materials may be disposed of by trade-in to a vendor for credit on an acquisition. In making this determination, the Surplus Property Administrator shall consider the urgency of need by other state governmental units and whether the trade-in value is expected to exceed the value realized through the sale of the materials.
5. An employee of the owning or disposing state governmental unit shall not directly or indirectly purchase or agree with another person to purchase surplus materials if that employee is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, or preparation for sale of the surplus materials.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-803 (Supp. 91-3). Amended effective April 2, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3). Spelling error corrected in R2-15-303 (E)(3) at the request of the Department of Administration (File No. 18-256).

R2-15-304. Materials Inventory Report and Submission of Contracts

- A. Each state governmental unit, at the end of each fiscal year, shall prepare and submit to the General Accounting Administrator an inventory report of all materials warehoused or otherwise held by the unit, verified by a physical count and certified by the unit's highest-ranking officer, which lists all of the following:
 1. Nonexpendable materials (capital assets), capitalized in accordance with the state of Arizona Accounting Manual;
 2. Nonexpendable materials (capital assets) held under capital leases and similar financial arrangements;
 3. Nonexpendable materials (capital assets) that have been, or will be, leased or rented for more than 90 days; and
 4. Other materials warehoused or otherwise held by the units that are subject to the stewardship requirements of the state of Arizona Accounting Manual.
- B. The state governmental unit shall include and identify separately in the inventory report all real property, buildings, and other improvements to real property.
- C. The state governmental unit shall submit a copy of any signed capital leases and similar financial arrangements to the General Accounting Administrator within 30 days of execution.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-804 (Supp. 91-3). Amended effective April 2, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).

R2-15-305. Lost, Stolen, or Destroyed Nonexpendable Materials (Capital Assets)

- A. A state governmental unit shall immediately report theft of nonexpendable materials to the appropriate law enforcement agency.
- B. Within 10 days after discovery, a state governmental unit shall report lost, stolen, or destroyed nonexpendable materials to the General Accounting Administrator. Based upon results of an investigation, the General Accounting Administrator may authorize the unit, in writing, to delete the missing nonexpendable materials from any internal inventory report and the AFIS Fixed Asset Subsystem (FAS). If materials are deleted from the inventory and subsequently located, the unit shall again list the materials in any internal inventory report and on the FAS.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-805 (Supp. 91-3). Amended effective April 2, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).

R2-15-306. Federal Surplus Materials Program

The Surplus Property Administrator shall:

1. Prepare and file a state plan of operation with the United States General Services Administration.
2. Act on behalf of the state with any federal agencies or other surplus property agencies regarding federal surplus materials.
3. Distribute federal surplus materials to eligible entities.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-806 (Supp. 91-3). Amended effective April 2, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).

R2-15-307. Authority for Transfer of Materials

- A. The Surplus Property Administrator shall determine whether an entity is eligible to acquire federal or state surplus materials. Eligibility for federal surplus materials is determined in accordance with federal law. The determination of whether an entity is eligible for state surplus materials is based on whether the entity:
 1. Is eligible to receive federal surplus materials, or
 2. Is a federal income tax exempt non-profit entity that is a health or educational organization as defined in federal law that has at least one full-time salaried employee and demonstrates a public benefit for receiving state surplus materials.
- B. A state governmental unit shall not acquire federal or state surplus materials without the approval of the Surplus Property Administrator.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-807 (Supp. 91-3). Amended effective April 2, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).

CHAPTER 15. DEPARTMENT OF ADMINISTRATION - GENERAL SERVICES DIVISION

R2-15-308. Fees and Charges

- A.** The Surplus Property Administrator shall determine and assess proper service and handling fees, with the approval of the Director for the acquisition, receipt, warehousing, rehabilitation, delivery, distribution, or transfer of state surplus materials. The Surplus Property Administrator shall ensure that fees are fair and equitable, based on the cost of services performed, and consistent with the continuous maintenance support requirements of the Surplus Property Management Office.
1. The Surplus Property Administrator shall approve or deny any direct transfer of state surplus materials between state governmental units. The Surplus Property Office shall not assess a service and handling fee if a direct transfer between state governmental units can be accomplished without the use of personnel, equipment, or facilities, of the Surplus Property Management Office.
 2. For all other direct transfers of state surplus materials, the Surplus Property Administrator shall assess a service and handling fee. The receiving entity shall pay a transfer fee of 10% of the fair market value of the materials. The minimum fee is \$20.00 and the maximum fee is \$300.00.
- B.** Fees on other transfers or sales are determined according to R2-15-310.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-808 (Supp. 91-3). Amended effective April 2, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).

R2-15-309. Surplus Materials Revolving Funds

- A.** The Surplus Property Administrator may, after a determination that a portion of the monies in the state surplus materials revolving fund is uncommitted for a period of three months, authorize the State Treasurer to deposit that portion of the monies in a government-insured depository institution offering a rate of return with maturity of 13 months or less from the date of purchase. All interest earned shall be credited to the revolving fund.
- B.** The federal surplus materials revolving fund shall be maintained in accordance with the state plan of operation.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-809 (Supp. 91-3). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).

R2-15-310. Allocation of Proceeds from Sale or Disposal of Excess or Surplus Materials

- A.** Except as provided in other law, subsection (B), or subsection (C), the Surplus Property Administrator shall ensure that proceeds from the disposition of excess or surplus materials are retained by the Surplus Property Office.
- B.** Except the Department of Public Safety, under A.R.S. § 41-1713(B)(6), the Surplus Property Office shall not reimburse a state government unit for transfer or sale of materials if the unit originally purchased the materials with General Fund monies.
- C.** The Surplus Property Administrator shall reimburse proceeds from the disposition of materials originally purchased with special fund monies, such as revolving, dedicated, or federal funds, less the Surplus Property Office's fee, for the material's transfer or sale, according to the following schedule. The Surplus Property Administrator shall:
1. For direct transfer of state excess or surplus materials, collect the fee required in R2-15-308(A) and reimburse the balance of the sale proceeds to the transferring agency; or
 2. For non-direct transfer or sale of state excess or surplus materials:
 - a. Reimburse nothing if the sale proceeds for an item are less than or equal to \$50.00; or
 - b. Reimburse at a rate of not less than 70% of the sale proceeds for an item that sells for a price greater than \$50.00; and
 3. Reimburse sale proceeds after the sale is completed.

Historical Note

Adopted as an emergency effective January 1, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Permanent rule adopted effective April 3, 1985 (Supp. 85-2). Transferred from R2-7-810 (Supp. 91-3). Amended effective April 2, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 3267, effective September 24, 2004 (Supp. 04-3).