ARIZONA BOARD OF REGENTS
POLICY MANUAL

3-808 Intergovernmental Procurement

Revision Dates

10/1/2026, 11/16/2018, 11/18/2016, 4/26/1996, 7/13/1985, 12/15/1984 (adopted)

A. Authorization to Participate. Any university is authorized to participate in Intergovernmental Procurement pursuant to ARS §41-2631, *et seq.* and the implementing regulations as set forth in Arizona Administrative Code.

B. Definitions. In this ABOR Policy 3-808, unless the context otherwise requires:

1. "Certified Nonprofit Agency that Serves Individuals with Disabilities" means a nonprofit activity center that serves individuals with significant disabilities and that satisfies all of the following:

   a. Is organized under the laws of this state or another state, is operated in the interest of individuals with disabilities and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual.

   b. Complies with any applicable occupational health and safety standard required by the laws of the United States and this state.

2. "Cooperative Purchasing" means procurement conducted by, or on behalf of, one or more Public Procurement Units. This term does not mean any internal cooperative agreement or consortium agreement existing only between and among the Board and/or one or more Universities.

3. “External Procurement Activity” means any buying organization not located in this state that would qualify as a Public Procurement Unit.

4. "Individual with Disabilities" means an individual who, because of the nature of the individual's disabilities, is not able to fully participate in competitive employment and for whom specialized employment and training is necessary by a qualified nonprofit organization through the department of economic security or the department of health services.

5. "Local Public Procurement Unit" means any political subdivision, any agency, board, department or other instrumentality of such political subdivision, and any nonprofit corporation created solely for the purpose of administering a cooperative purchase under state law.

6. "Nonprofit Corporation” means any state recognized nonprofit or not for profit corporation or a nonprofit corporation as designated by the Internal

Revenue Service under section 501(C)(3) through 501 (C)(6) or under section 115, if created by two or more Local Public Procurement Units and includes certified nonprofit agencies that serve individuals with disabilities.

7. "Public Procurement Unit" means either a Local Public Procurement Unit, the Arizona Department of Administration, any other state, or any agency of the United States.

C. Cooperative Purchasing Authorized

1. Any University may either participate in, sponsor, conduct or administer a Cooperative Purchasing agreement for the Procurement of any Materials, Services, Professional Services, Construction, or Construction Services with one or more Public Procurement Units, or External Procurement Activities, in accordance with an agreement entered into between the participants. The Cooperative Purchasing may include joint or multi-party contracts between Public Procurement Units and open-ended Public Procurement Unit contracts that shall be available to Local Public Procurement Units. A Nonprofit Corporation may enter into an agreement pursuant to this section if one or more of the parties involved is a Public Procurement Unit. An agreement entered into as provided in this ABOR Policy 3-808 is exempt from A.R.S. §11-952, subsection D.

2. If the Public Procurement Unit or University administering a Cooperative Purchase complies with the requirements of state law or this Code, any Public Procurement Unit or university participating in such a purchase is deemed to have complied with state law or this Code. A University may not participate in a Cooperative Purchasing agreement for the purpose of circumventing this Code.

D. A University may purchase approved Materials and Services directly from Arizona Correctional Industries without competitive bidding.

E. If a procurement involves the expenditure of federal assistance or contract monies, the University involved in the Procurement shall comply with federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in this Code.

Policy History

12/15/1984 Approved by the Board on second reading. Originally implemented as interim policies 9-801, 9-802, 9-803, 9-804, 9-805, 9-806, 9-807, and 9-808.

7/13/1985 Permanent policy 3-808 adopted by the Board.

4/26/1996 Policy revision approved by the Board on second reading.

11/18/2016 Policy revision approved by the Board on second reading.

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Related Information