

MOHAVE EDUCATIONAL SERVICES COOPERATIVE, INC.

Procurement Compliance Questionnaire

Year Ended December 31, 2012

PROCUREMENT COMPLIANCE QUESTIONNAIRE

INSTRUCTIONS

Arizona Revised Statutes (A.R.S.) §15-213(F) requires school purchasing cooperatives to have, as part of their audit, a systematic review of their purchasing practices using guidelines established by the Office of the Auditor General. The purpose of the review is to determine whether the cooperative is in compliance with the State's procurement laws and applicable rules in awarding contracts for schools to use. Cooperatives meet this requirement by having their auditors complete this questionnaire using the guidelines specified below. As required by A.R.S. §15-213(E), procurement review contracts and completed Procurement Compliance Questionnaires must be submitted for review by the Office of the Auditor General. This questionnaire is applicable for audits of fiscal years ending June 30, 2010, and thereafter. Reviews not meeting these guidelines may be rejected by the Office of the Auditor General.

- ◆ Sufficient, appropriate evidence must be obtained annually for each question to satisfactorily determine whether the cooperative is in compliance with the State's procurement laws and applicable rules, and the evidence must be included in the audit documentation.
- ◆ Evidence may be obtained through test work, observation, examination, and client assertion. However, client assertion alone is not adequate evidence to support "Yes" answers to the questionnaire.
- ◆ Population size should be considered in determining the number of items to test, and the items selected should be representative of the population. However, a minimum number of items to test has been specified for each question.
- ◆ The sample size should be expanded if the auditor cannot clearly determine whether the cooperative is in compliance with the State's procurement laws and applicable rules on that question.
- ◆ If sufficient evidence has been obtained and documented during the current audit, that evidence may be referenced to answer questions.
- ◆ A "Yes" answer indicates that the auditor has determined that the cooperative is in compliance with the State's procurement laws and applicable rules on that question, and a "No" answer indicates the cooperative does not comply. However, the final determination of compliance on each question, as well as overall compliance, is made by the Office of the Auditor General based on the evidence presented in the questionnaire, audit reports, audit documentation, and any other sources of information available.
- ◆ All "No" and "N/A" answers must be adequately explained in the comments column or in an attachment. Findings must be described in sufficient detail to enable the Office of the Auditor General to describe the finding in a letter. The description should include the number of items tested and the number of exceptions noted.

The resulting audit documentation supporting the auditors' answers on the questionnaire must be made available for review by the Office of the Auditor General. To facilitate this review, auditors may wish to include in the audit documentation a copy of the questionnaire with references to the audit procedures performed for each question.

PROCUREMENT COMPLIANCE QUESTIONNAIRE

For question 1: Auditors must select and test the lesser of 50 percent or 15 of the cooperative's contracts awarded during the fiscal year to be used by schools, but no fewer than 5 awarded contracts. These sample sizes represent the minimum level of required test work. Auditors should use their own judgment in determining whether a larger sample is needed. On the blank line included in the question, write the actual number of contracts tested. If all contracts are tested, indicate such in the "Comments" column. Of the total awarded contracts selected for testing, at least 40 percent must be of purchases made through competitive sealed bids and at least 40 percent must be of purchases made through competitive sealed proposals. If the 40 percent thresholds cannot be met due to an inadequate population size, the auditor must test all contracts awarded through competitive sealed bids or proposals, as applicable. Of the bids/proposals selected above, at least one awarded contract should be for construction-manager-at-risk, design-build, job-order-contracting, or qualified select bidders list, if applicable.

	<u>YES/NO</u>	<u>COMMENTS</u>
1. Based upon review of all awarded contracts for the procurement of construction, materials, and services that met or exceeded \$33,689 (\$50,000, effective for purchases after April 26, 2010), did the cooperative follow the School District Procurement Rules as set forth in Title 7, Chapter 2, Articles 10 and 11, of the Arizona Administrative Code?		
a. For all (4) contracts tested that were made through competitive sealed bidding, did the cooperative:		
(1) Give adequate notice of the invitation for bid (IFB)? R7-2-1022	Yes	
(2) Compile and maintain a list of prospective bidders? R7-2-1023	Yes	
(3) Issue the IFB at least 14 days before the time and date set for bid opening unless a shorter time was determined necessary, and did the IFB include all information required by R7-2-1024, including:		
(a) The purchase description and specifications, including the estimated volume of purchases for the cooperative's members?	Yes	
(b) Delivery or performance schedule?	Yes	
(c) Inspection and acceptance requirements?	Yes	
(d) Contract terms and conditions?	Yes	
(e) The closing date and time of bid receipt?	Yes	
(f) Address where bids are to be sent?	Yes	
(g) Time and date of bid opening?	Yes	
(h) Notice that all bids will be available for public inspection after contract award?	Yes	
(i) Factors to be used in bid evaluations?	Yes	
(j) Bonding and warranty requirements?	Yes	
(k) The name of the cooperative representative?	Yes	

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	<u>YES/NO</u>	<u>COMMENTS</u>
(l) The special requirements if procuring information or telecommunication systems, or earth-moving, material-handling, road maintenance, and construction equipment?	N/A	The cooperative did not make any purchases that required special requirements for procuring information or telecommunications systems, or earth moving, material-handling, road maintenance, and construction equipment.
(4) Stamp sealed bids with the time and date upon receipt and store bids unopened until the time and date set for bid opening? R7-2-1029	Yes	
(5) Award contracts to the lowest responsible and responsive bidder whose bid conformed, in all material respects, to the requirements and evaluation criteria set forth in the IFB? R7-2-1031	Yes	
(6) If a multiple award ¹ was made:		
(a) Determine, with the specific reason(s) in writing, that a single award was not advantageous to the cooperative's members?	Yes	
(b) Maintain documentation that supported the basis for a multiple award?	Yes	
(c) Limit contract awards to the least number of suppliers necessary to meet the requirements of the members?	Yes	
(7) For contracts where only one responsive bid was received, determine that the price submitted was fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there was not adequate time for resolicitation? R7-2-1032	N/A	The cooperative did not have any contracts where only one responsive bid was received.
(8) Maintain documentation that supported the basis for the determination in (7) above?	N/A	
b. For (11) contracts tested that were made through competitive sealed proposals, did the cooperative:		
(1) Determine, with the specific reason(s) in writing, that the use of competitive sealed bidding was either not practicable or advantageous to the cooperative's members for specified types of materials or services? R7-2-1041(A)	Yes	
(2) Determine, with the specific reason(s) in writing, that the use of competitive sealed bidding was either not practicable or not advantageous to the cooperative's members because it was necessary to: R7-2-1041(B)		
(a) Use a contract other than a fixed-price type?	Yes	

¹ Examples of multiple awards include—

- Incremental awards—made only if it is necessary to obtain the required quantity or delivery.
- Regional awards—made if materials or services are required in widely scattered locations or a particular requirement is of a local nature.

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	<u>YES/NO</u>	<u>COMMENTS</u>
(b) Conduct oral or written discussions with offerors concerning technical and price aspects of their proposals?	Yes	
(c) Afford offerors an opportunity to revise their proposals?	Yes	
(d) Compare the different price, quality, and contractual factors of the proposals submitted?	Yes	
(e) Award a contract in which price was not the determining factor?	Yes	
(3) Maintain documentation that supported the basis for the determinations in (1) and (2) above?	Yes	
(4) Include all applicable factors in the request for proposals (RFP) required by R7-2-1024(B) and R7-2-1042(A), including:		
(a) The type of services required and a description of the work involved, including the estimated volume of purchases for the cooperative's members?	Yes	
(b) Delivery or performance schedule?	Yes	
(c) Inspection and acceptance requirements?	Yes	
(d) The type of contract to be used?	Yes	
(e) Contract terms and conditions?	Yes	
(f) The estimated duration that services will be required?	Yes	
(g) That cost or pricing data is required?	Yes	
(h) That offerors may designate portions of the proposal as proprietary?	Yes	
(i) That discussions may be conducted?	Yes	
(j) The minimum information that the proposal must contain?	Yes	
(k) The closing date and time of proposal receipt?	Yes	
(l) Address where proposals are to be sent?	Yes	
(m) Time and date of proposal opening?	Yes	
(n) Notice that all proposals will be available for public inspection after contract award?	Yes	
(o) The relative importance of price and other evaluation factors?	Yes	
(p) Bonding and warranty requirements?	Yes	
(q) The name of the cooperative representative?	Yes	
(r) The special requirements if procuring information or telecommunication systems, or earth-moving, material-handling, road maintenance, and construction equipment?	Yes	
(5) Give adequate notice of the RFP? R7-2-1042(C)	Yes	
(6) Compile and maintain a list of prospective bidders? R7-2-1023	Yes	
(7) Issue the RFP at least 14 days before the closing date and time for receipt of proposals unless a shorter time was determined necessary? R7-2-1042(B)	Yes	

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	<u>YES/NO</u>	<u>COMMENTS</u>
(8) Stamp sealed proposals with the time and date upon receipt and store proposals unopened until the closing date and time for receipt of proposals? R7-2-1045	Yes	
(9) Award the contract to the offeror whose proposal was determined, with the specific reason(s) in writing, to be most advantageous to the cooperative's members based on the factors set forth in the RFP? R7-2-1050	Yes	
(10) Maintain documentation that supported the basis for that determination in (9) above?	Yes	
(11) If a multiple award ² was made:		
(a) Determine, with the specific reason(s) in writing, that a single award was not advantageous to the cooperative's members?	Yes	
(b) Maintain documentation that supported the basis for a multiple award?	Yes	
(c) Limit contract awards to the least number of suppliers necessary to meet the requirements of the members?	Yes	
(12) For contracts where only one responsive proposal was received, determine that the price submitted was fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there was not adequate time for resolicitation? R7-2-1045(C)	Yes	
(13) Maintain documentation that supported the basis for the determination in (12) above?	Yes	
(14) If the cooperative used construction-manager-at-risk, design-build, or job-order-contracting to procure construction services, did the cooperative comply with the requirements of R7-2-1116?	N/A	The cooperative did not use construction-manager-at-risk, design-build, or job-order-contracting to procure construction services.
c. If the cooperative used a qualified select bidders list to procure construction services, did the cooperative receive approval from the School Facilities Board and comply with requirements of R7-2-1110?	N/A	The cooperative did not use a qualified select bidders list to procure construction services.
d. If the cooperative procured goods and information services using electronic, on-line bidding, did the cooperative comply with the requirements of Title 41, Chapter 23, Article 13, and the rules adopted by the Arizona Department of Administration in implementing that article (until the Arizona State Board of Education adopts rules for these procurements, after which the cooperative should comply with those rules)?	N/A	The cooperative did not procure any goods and information services using electronic, on-line bidding.

² Ibid.


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	<u>YES/NO</u>	<u>COMMENTS</u>
e. For purchases made through the Simplified School Construction Procurement Program (R7-2-1033), did the cooperative:		The cooperative did not make any purchases through the Simplified School Construction Procurement Program.
(1) Ensure that construction costs did not exceed the maximum amount specified in A.R.S. §15-213(A)(2)?	N/A	
(2) Submit solicitations to bid and all other information related to the project to all vendors included in a list maintained by the County School Superintendent?	N/A	
(3) Open the bids at a public opening?	N/A	
(4) Keep the bids confidential until the public opening?	N/A	
(5) Encourage competition to the maximum extent possible?	N/A	
2. Did the cooperative prevent additional purchases by new members that would materially change the volume of goods or services estimated in the original invitations/requests?	Yes	

For questions 3 and 4: If the cooperative had any emergency or sole source procurements, the auditor must test all such procurements.

3. Based upon review of (_____) emergency procurements, did the cooperative maintain a written statement for each emergency procurement documenting the basis for the emergency, the selection of the particular contractor, and why the price paid was reasonable; and was such statement signed by the individual authorized to initiate emergency procurements? R7-2-1057	N/A	The cooperative did not make any emergency procurements.
4. Based upon review of (_____) sole source procurements, did the cooperative retain written documentation of the reasons for the determination that there was only one source for the required materials, service, or construction items? R7-2-1053	N/A	The cooperative did not make any sole source procurements.

This questionnaire was completed in accordance with guidelines established by the Office of the Auditor General as set forth in the instructions on page 1.

CliftonLarsonAllen LLP
 CPA FIRM

Preparer (CPA Firm Representative)

April 12, 2013
 Date

Partner
 Title