

AGENDA ITEM 3603:

IPAWS-OPEN

MEETING DATE MARCH 1, 2016

Gila County Attorney's Office Comments

The county attorney's office cannot approve this agreement as for form for the following three reasons:

Immigration Law Compliance

A.R.S. § 41-4401 requires:

“Every government entity shall require that every government entity contract include all of the following provisions: 1. That each contractor and subcontractor warrants their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with section 23-214, subsection A. 2. That a breach of warranty under paragraph 1 shall be deemed a material breach of the contract that is subject to penalties up to and including termination of the contract. 3. That the government entity retains the legal right to inspect the papers of any contractor or subcontractor employee who works on the contract to ensure that the contractor or subcontractor is complying with the warranty under paragraph 1.

(Emphasis added.)

There is no provision in the agreement to satisfy this requirement.

Cancellation of contracts

A.R.S. § 38-511 requires that notice of the possibility of cancellation of a contract, due to a conflict of interest, “be included in every contract to which the state, its political subdivisions, or any of the departments or agencies of either is a party.” There is no provision in the agreement to satisfy this requirement.

Intergovernmental Agreements and Contracts

A.R.S. § 11-952(B)(3) requires that an intergovernmental agreement or contract specify: “The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget for the undertaking.” There is no provision in the agreement to satisfy this requirement.