

Bond Case Briefs

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MUNICIPAL CONTRACTS - ARIZONA

Alpha, LLC v. Dartt

Court of Appeals of Arizona, Division 1, Department D - June 27, 2013 - P.3d - 2013 WL 3242220

Rather than undertaking a competitive bidding process, police department established a list of towing companies that would be contacted on a rotating basis for service calls. The towing regulations permitted any business satisfying the stated criteria to appear on the rotation list.

After customer complaints were filed, plaintiff was removed from the rotation list. Plaintiff then filed suit, alleging that the town had violated its constitutional due process and equal protection rights.

The appeals court ruled that the towing company did not have a property interest in remaining on a towing rotation list created and administered by the municipal police agency. Because there was no underlying legislative enactment, and the regulations governing the list were modifiable at the administrator's discretion, no constitutionally protected property interest exists.