

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representative Thicksten**

# **A Bill**

**ACT 428 OF 1995**  
**HOUSE BILL 1297**

## **For An Act To Be Entitled**

8 "AN ACT AMENDING TITLE 19, CHAPTER 11, SUBCHAPTER 2 OF THE  
9 ARKANSAS CODE ANNOTATED TO AUTHORIZE USE OF A MULTIPLE  
10 AWARD CONTRACTS PROCEDURE BY THE OFFICE OF STATE  
11 PURCHASING; AND FOR OTHER PURPOSES."

### **Subtitle**

14 "TO AMEND THE ARKANSAS CODE TO AUTHORIZE  
15 USE OF A MULTIPLE AWARD CONTRACTS  
16 PROCEDURE BY THE OFFICE OF STATE  
17 PURCHASING."

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 SECTION 1. Arkansas Code Annotated § 19-11-204 is hereby amended to  
23 read as follows:

24 "§ 19-11-204. Definitions concerning source selection and contract  
25 formation.

26 As used in this subchapter, unless the context otherwise requires:

27 (1) "Competitive sealed bidding": See § 19-11-229(a);

28 (2) "Competitive sealed proposals": See § 19-11-230(a);

29 (3) "Established catalogue price" means the price included in a  
30 catalogue, price list, schedule, or other form that:

31 (A) Is regularly maintained by a manufacturer or contractor;

32 (B) Is either published or otherwise available for inspection by  
33 customers; and

34 (C) States prices at which sales are currently or were last made  
35 to a significant number of buyers constituting the general buying public for  
36 the commodities or services involved;

1           (4) "Invitation for bids" means all documents, whether attached or  
2 incorporated by reference, utilized for soliciting bids in accordance with the  
3 procedures set forth in § 19-11-229, which refers to competitive sealed  
4 bidding;

5           (5) "Purchase description" means specifications or any other document  
6 describing the commodities or services to be procured;

7           (6) "Request for proposals" means all documents, whether attached or  
8 incorporated by reference, utilized for soliciting proposals in accordance  
9 with the procedures set forth in § 19-11-230, which refers to competitive  
10 sealed proposals, § 19-11-231, which refers to small purchases, § 19-11-232,  
11 which refers to proprietary or sole source procurements, § 19-11-233, which  
12 refers to emergency procurements, or § 19-11-234, which refers to competitive  
13 bidding;

14           (7) "Responsible bidder or offeror" means a person who has the  
15 capability in all respects to perform fully the contract requirements, and the  
16 integrity and reliability which will assure good faith performance;

17           (8) "Responsive bidder" means a person who has submitted a bid under §  
18 19-11-229, which refers to competitive sealed bidding, which conforms in all  
19 material respects to the invitation for bids, including the specifications set  
20 forth in the invitation;

21           (9) "Emergency procurement" means the acquisition of commodities or  
22 services which, if not immediately initiated, will endanger human life or  
23 health, state property, or the functional capability of a state agency;

24           (10) "Small purchases" means any procurement not exceeding a purchase  
25 price of *one thousand dollars (\$1000)*. Small purchases may be procured without  
26 seeking competitive bids or competitive sealed bids; however, competition  
27 should be used to the maximum extent practicable. Items under state contract  
28 are excluded;

29           (11) "Competitive bidding": See § 19-11-234(a); and

30           (12) "Multiple award contracts" means a method of procurement whereby  
31 an indefinite quantity contract is awarded to more than one supplier for  
32 furnishing a like item or category of items."

33

34           SECTION 2. Arkansas Code Annotated § 19-11-228 is hereby amended to  
35 read as follows:

1           "§ 19-11-228. Methods of source selection.

2           Unless otherwise authorized by law, all contracts shall be awarded by  
3 competitive sealed bidding, pursuant to § 19-11-229, which refers to  
4 competitive sealed bidding, except as provided in:

5           (1) Section 19-11-230, which refers to competitive sealed proposals;

6           (2) Section 19-11-231, which refers to small purchases;

7           (3) Section 19-11-232, which refers to proprietary or sole source  
8 procurements;

9           (4) Section 19-11-233, which refers to emergency procurements;

10          (5) Section 19-11-234, which refers to competitive bidding; or

11          (6) Section 19-11-262, which refers to multiple award contracts."  
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13          SECTION 3. Title 19, Chapter 11, Subchapter 2 of the Arkansas Code  
14 Annotated is hereby amended by adding a new section to read as follows:

15          "19-11-262. Multiple award contracts.

16          (a) Multiple award contracts may be made only if the State Purchasing  
17 Director determines in writing that a single award is not advantageous to the  
18 State of Arkansas. *The determination, in writing, shall state a rationale and*  
19 *basis for the multiple award contract.* Multiple award contracts shall be  
20 limited to the least number of suppliers necessary to meet the requirements of  
21 the using agencies."

22          (b) If the State Purchasing Director anticipates that multiple award  
23 contracts will be made, the invitation for bids shall include a notification  
24 of the right of the Office of State Purchasing to make such an award and the  
25 criteria upon which such an award will be based."  
26

27          SECTION 4. All provisions of this act of a general and permanent  
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
29 Code Revision Commission shall incorporate the same in the Code.  
30

31          SECTION 5. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

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SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Thicksten*

APPROVED: 2-24-95

***As Engrossed: 1/23/95 2/20/95***

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