

ARKANSAS SENATE
94th General Assembly - Fiscal Session, 2024
Amendment Form

Subtitle of Senate Bill No. 53

AN ACT FOR THE DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES APPROPRIATION
FOR THE 2024-2025 FISCAL YEAR.

Amendment No. 1 to Senate Bill 53

Amend Senate Bill No. 53 as originally introduced:

Page 10, immediately following SECTION 17 insert new Sections to read as follows:

" SECTION 18. Arkansas Code § 19-11-206, concerning the definitions used regarding intergovernmental relations under the Arkansas Procurement Law, is amended to add additional subdivisions to read as follows:

(6) "Consumer Price Index" means the most recent Consumer Price Index for All Urban Consumers published by the United States Department of Labor, or its successor; and

(7)(A) "Public school construction services" means services procured by a public school district or open-enrollment public charter school under a contract with a corresponding cooperative purchasing verification letter providing for the making of repairs, alterations, erection, or other permanent improvements to a public building, property, or structure that do not exceed a total aggregate amount of one million dollars (\$1,000,000) for a public procurement unit in a fiscal year.

(B)(i) Annually on July 1, at the direction of the Office of State Procurement and with the approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, the amount stated in subdivision (7)(A) of this section shall be adjusted by the percentage, if any, by which the Consumer Price Index for the current calendar year exceeds the Consumer Price Index for the preceding calendar year, not to exceed three percent (3%).

(ii) The Consumer Price Index for a calendar year is the average of the Consumer Price Index as of the close of the twelve-month period ending on August 31 of that calendar year.

SECTION 19. Arkansas Code § 19-11-249(a)(1), concerning cooperative purchasing under the Arkansas Procurement Law, is amended to read as follows:

(a)(1) A public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the acquisition of



public school construction services, commodities, or other services in accordance with an agreement entered into between the participants.

SECTION 20. Arkansas Code § 19-11-249(a)(2)(A), concerning cooperative purchasing under the Arkansas Procurement Law, is amended to read as follows:

(2)(A) A cooperative purchasing agreement is limited to public school construction services, commodities, and other services for which the public procurement unit may realize savings or material economic value, or both.

SECTION 21. Arkansas Code § 19-11-249(b)(2), concerning the annual report of all purchases made under cooperative purchasing agreements under the Arkansas Procurement Law, is amended to read as follows:

(2) The reports required under this subsection shall be submitted by July 1 in the format required by the Legislative Council and shall include the following:

- (A) The name of the contractor;
- (B) The name of the procuring agency;
- (C) The contact information for the contractor and procuring agency;
- (D) The total cost of the contract, including all available extensions;
- (E) A description of the public school construction services, goods, or other services procured; and
- (F) Any other information requested by the Legislative Council or the Joint Budget Committee.

SECTION 22. Arkansas Code § 19-11-249, concerning cooperative purchasing under the Arkansas Procurement Law, is amended to add an additional subsection to read as follows:

(d) If a public procurement unit needs to procure public school construction services in excess of the amount provided in § 19-11-206(7), the public procurement unit may submit a request for a waiver to the Executive Subcommittee of the Legislative Council.

SECTION 23. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 19-11-231 is amended to read as follows:

19-11-231. Small procurements.

(a) Any procurement not exceeding the amount under § 19-11-204(13), which refers to small procurements, may be made in accordance with this section and the small procurement procedures promulgated by the State Procurement Director.

(b)(1) However, procurement requirements shall not be artificially divided so as to constitute a small procurement under this section.

(2) The prohibition stated in subdivision (b)(1) of this section includes without limitation purchasing commodities or services, or both, from more than one (1) vendor owned by the same person or entity if the aggregate amount of the purchases from the vendors owned by the same person or entity exceeds the amount stated in subsection (a) of this section.

(c) A state agency shall not provide information to a vendor regarding the amount the state agency is willing to pay for commodities or services, or both, before receiving a quote from the vendor for the amount the vendor would charge for the commodities or services, or both."

AND

Appropriately renumber the sections of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

By: Senator D. Sullivan

By: Representatives Wardlaw, Evans, Cavanaugh

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Secretary