

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mahony**

A BILL ACT 1018 OF 1991
HOUSE BILL 1884

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
9 19, CHAPTER 11, SUBCHAPTER 2, RELATING TO THE ARKANSAS
10 PURCHASING LAW TO INCLUDE ADDITIONAL EXEMPT COMMODITIES
11 AND SERVICES, ALLOW THE DIRECTOR TO CHARGE FEES FOR
12 MAINTAINING A VENDORS LIST, ADD AN ADDITIONAL AGENCY
13 PURCHASING OFFICIAL, AND CHANGE LANGUAGE ASSOCIATED WITH
14 DOLLAR LIMITS ON BIDDING; AND FOR OTHER PURPOSES."

15
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. Arkansas Code 19-11-203(14)(A) which is a part of the
19 definition of "exempt commodities and services" under the Arkansas Purchasing
20 Law is amended to read as follows:

21 "(A) Advertising in newspapers, periodicals, and related publications,
22 television, radio and billboards;"

23
24 SECTION 2. Arkansas Code 19-11-217(c) is amended to read as follows:

25 "(c) Duties. Except as otherwise specifically provided in this
26 subchapter, the State Purchasing Director shall, within the limitations of
27 this subchapter and the rules and regulations promulgated under authority of
28 this subchapter:

29 (1) Procure or supervise the procurement of all commodities and
30 services for each state agency not having an agency purchasing official and,
31 when requested to do so by such an official, procure commodities and services
32 not otherwise under state contract;

33 (2) Manage and establish internal procedures for the office;

34 (3) Sell, trade, or otherwise dispose of surplus commodities
35 belonging to the state;

36 (4) Have the authority to establish and maintain programs for the

1 inspection, testing, and acceptance of commodities and services;

2 . (5) Establish and manage a list of vendors desiring written
3 notice of invitations for bid; and

4 (6) *Establish, by regulation, a fee, not to exceed twenty-five*
5 *(\$25.00) annually, for receiving a written notice of an invitation for bid."*

6
7 SECTION 3. Arkansas Code 19-11-220(a) is amended to read as follows:

8 "(a) In addition to any state agency authorized by regulation to have
9 an agency purchasing official, each of the following state agencies may elect
10 to have such an official for commodities and services which are not within the
11 exclusive jurisdiction of the State Purchasing Director and which are not
12 under state contract:

- 13 (1) Arkansas State Highway and Transportation Department;
- 14 (2) Arkansas State University at Beebe;
- 15 (3) Arkansas State University at Jonesboro;
- 16 (4) Arkansas Tech University;
- 17 (5) Henderson State University;
- 18 (6) Southern Arkansas University and its various branches;
- 19 (7) University of Arkansas at Fayetteville;
- 20 (8) University of Arkansas at Little Rock;
- 21 (9) University of Arkansas at Monticello;
- 22 (10) University of Arkansas at Pine Bluff;
- 23 (11) University of Arkansas for Medical Sciences;
- 24 (12) University of Central Arkansas;
- 25 (13) East Arkansas Community College;
- 26 (14) Garland County Community College;
- 27 (15) Mississippi County Community College;
- 28 (16) North Arkansas Community College;
- 29 (17) Phillips County Community College;
- 30 (18) Westark Community College;
- 31 (19) Northwest Arkansas Community College;
- 32 (20) *Department of Higher Education, two-year post secondary*
33 *institutions."*

34 SECTION 4. Arkansas Code 19-11-234(b) is amended to read as follows:

35 "(b) Conditions for Use. Contracts in which the purchase price exceeds

1 five hundred dollars (\$500.00) and is less than or equal to five thousand
2 dollars (\$5,000) may be awarded by use of competitive bidding procedures;
3 however, in any such instances, competitive sealed bidding is permitted."
4

5 SECTION 5. Arkansas Code 19-11-234(d) (2) is amended to read as follows:

6 "(2) The director or agency purchasing official shall keep a record of
7 all procurements requiring bids less than or equal to five thousand dollars
8 (\$5,000). An abstract of the bids shall be retained in the bid file and shall
9 be available for public inspection."
10

11 SECTION 6. Arkansas Code 19-11-235(a) is amended to read as follows:

12 "(a) Determination of Nonresponsibility. A written determination of
13 nonresponsibility of a bidder or offeror shall be made in accordance with
14 regulations promulgated by the State Purchasing Director. A reasonable
15 inquiry to determine the responsibility of a bidder or offeror may be
16 conducted. The unreasonable failure of a bidder or offeror to promptly supply
17 information in connection with such an inquiry may be grounds for a
18 determination of nonresponsibility with respect to such bidder or offeror. If
19 a bidder or offeror is determined to be nonresponsible, the reasons therefor
20 shall be stated in the determination."
21

22 SECTION 7. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.
25

26 SECTION 8. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.
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32 SECTION 9. All laws or parts of laws in conflict with this act are
33 hereby repealed.
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35 /s/Jodie Mahony

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APPROVED: 4/8/91