

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 317 OF 1995
SENATE BILL 270

4 **By: Senators Walker and Lewellen**

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For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 19, CHAPTER 11, SUBCHAPTER 2 OF THE
9 ARKANSAS CODE BY RAISING THE MINIMUM BID LIMITS FOR STATE
10 PURCHASING AND TO INCREASE THE NUMBER OF YEARS THAT THE
11 STATE MAY ENTER INTO A MULTIYEAR CONTRACT FROM FIVE (5) TO
12 SEVEN (7) YEARS; AND FOR OTHER PURPOSES."

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Subtitle

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

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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 (\$1,000). Small purchases may be procured
26 without seeking competitive bids or competitive sealed bids; however,
27 competition should be used to the maximum extent practicable. Items under
28 state contract are excluded; and

29 (11) Competitive bidding: See § 19-11-234(a)."
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31 SECTION 2. Arkansas Code Annotated § 19-11-229(b) is hereby amended to
32 read as follows:

33 "(b) CONDITIONS FOR USE. Contracts exceeding an estimated purchase
34 price of ten thousand dollars (\$10,000) shall be awarded by competitive sealed
35 bidding unless a determination is made in writing by the agency purchasing

1 official or the State Purchasing Director that this method is not practicable
2 and advantageous, and specifically states the reasons therefor. The director
3 may provide by regulation that it is not practicable to procure specified
4 types of commodities or services by competitive sealed bidding. Factors to be
5 considered in determining whether competitive sealed bidding is not
6 practicable shall include whether:

7 (1) Purchase descriptions are suitable for award on the basis of
8 the lowest evaluated bid price; and

9 (2) The available sources, the time and place of performance, and
10 other relevant circumstances are appropriate for the use of competitive sealed
11 bidding."

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13 SECTION 3. Arkansas Code Annotated § 19-11-234(b) is hereby amended to
14 read as follows:

15 "(b) CONDITIONS FOR USE. Contracts in which the purchase price exceeds
16 one thousand dollars (\$1,000) and is less than or equal to ten thousand
17 dollars (\$10,000) may be awarded by use of competitive bidding procedures;
18 however, in any such instances, competitive sealed bidding is permitted."

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20 SECTION 4. Arkansas Code Annotated § 19-11-234(d) is hereby amended to
21 read as follows:

22 "(d) RECORDS. (1) Copies of the competitive bid form and the purchase
23 order must be forwarded to the Office of State Purchasing within the first ten
24 (10) days of each month by all state agencies not having agency purchasing
25 officials.

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

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31 SECTION 5. Arkansas Code Annotated § 19-11-238(a) is hereby amended to
32 read as follows:

33 "(a) SPECIFIED PERIOD. Unless otherwise provided by law, a contract
34 for commodities or services may be entered into for periods of not more than
35 seven (7) years if funds for the first fiscal year of the contemplated

1 contract are available at the time of contracting. Payment and performance
2 obligations for succeeding fiscal years shall be subject to the availability
3 and appropriation of funds therefor."

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5 SECTION 6. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 7. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 8. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 APPROVED: 2-14-95

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