

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas As Engrossed: H2/7/97 H2/12/97 H2/26/97 H2/27/97 S3/10/97

2 81st General Assembly

A Bill

ACT 820 OF 1997

3 Regular Session, 1997

HOUSE BILL 1407

4

5 *By: Representatives Wilkinson, Milum, Laverty, Hendren, Wallis, Bryant, Wooldridge, Hall, DeLay, Bond, Willems, Critcher, and Faris*

6 *By: Senators Hill, Hunter, Jeffries, Lewellen, Roebuck and Wyrick*

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For An Act To Be Entitled

10 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 6-21-301, 6-21-
11 304, AND 6-21-305 TO GRANT JURISDICTION FOR SCHOOL BUS
12 PURCHASES TO LOCAL SCHOOL DISTRICTS; AND FOR OTHER
13 PURPOSES."

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Subtitle

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"TO GRANT JURISDICTION FOR SCHOOL BUS

17

PURCHASES TO LOCAL SCHOOL DISTRICTS."

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

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21 SECTION 1. Arkansas Code Annotated § 6-21-301(2) is amended to read as
22 follows:

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"(2) Commodities means all supplies, goods, material, equipment,
24 machinery, facilities, personal property, and services, other than personal
25 and professional services, purchased for or on behalf of the school district,
26 ~~and does not include school buses;~~"

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28 SECTION 2. Arkansas Code Annotated § 6-21-304(b) is amended to read as
29 follows:

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"(b)(1) ~~The State Purchasing Director~~ local school board shall have
31 exclusive jurisdiction for the purchase of Types A, B, C, and D school buses.

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(2) The Department of Education shall have responsibility for
33 drawing up the minimum specifications for all school buses ~~to be bid through~~
34 ~~the State Purchasing Director.~~

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(3) An advisory committee made up of ten (10) school
36 administrators representing all sizes of schools and all areas of the state

1 shall assist the Department of Education in drawing up specifications for
2 school buses.

3 (4)(A) A local school board may request the State Purchasing
4 Director to solicit bids for school buses on their behalf.

5 (B) If a request is made, the Office of State Purchasing shall
6 take bids from all school bus body and chassis manufacturers doing business in
7 Arkansas.

8 (5) If a local school board chooses to purchase school buses
9 other than through the Office of State Purchasing, the board shall forward, no
10 later than twenty (20) days after bid award, the following documents to the
11 Office of State Purchasing:

12 (A) A copy of all the bid specifications;

13 (B) A list of invited bidders;

14 (C) Copies of all correspondence sent out by the school
15 district to bidders and all correspondence received by the school
16 district from bidders;

17 (D) A complete bid tabulation; and

18 (E) A copy of the bid award."

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20 SECTION 3. Arkansas Code Annotated § 6-21-305 is amended to read as
21 follows:

22 "6-21-305. Exemptions from bidding requirements.

23 (a) The following commodities may be purchased without soliciting bids:

24 (1) Commodities in instances of an unforeseen and unavoidable
25 emergency; provided, no emergency purchase shall be approved by the
26 superintendent unless a statement in writing shall be attached to the purchase
27 order describing the emergency necessitating the purchase of the commodity
28 without competitive bidding;

29 (2) Commodities available only from the federal government;

30 (3) Utility services, the rates for which are subject to
31 regulation by a state agency or a federal regulatory agency;

32 (4) With the exception of used school buses, used equipment and
33 machinery;

34 (5) Commodities available only from a single source.

35 (b) However, the purchasing official must determine in writing that it
36 is not practicable to use other than the required or designated commodity or

1 service, and a copy of this statement shall be attached to the purchase order.

2 ~~_____ (c)(1) The State Purchasing Director shall have exclusive jurisdiction~~
3 ~~over the purchase of new and used school buses.~~

4 ~~_____ (2) The Office of State Purchasing shall take bids from all~~
5 ~~school bus body and chassis manufacturers doing business in Arkansas."~~

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7 SECTION 4. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 5. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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

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/s/Rep. Wilkinson, et al

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APPROVED:3-26-97

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