

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1853

5 By: Representative Gonzales
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS PROCUREMENT LAW; TO
10 PROVIDE CLARITY, EQUITY, AND CONSISTENCY IN THE
11 PROCUREMENT LAWS; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE ARKANSAS PROCUREMENT LAW;
16 AND TO PROVIDE CLARITY, EQUITY, AND
17 CONSISTENCY IN THE PROCUREMENT LAWS.
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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 § 19-11-209 is amended to read as follows:

23 19-11-209. Construction - Preemption of other laws.

24 This subchapter shall: ~~be~~

25 (1) Be construed liberally and applied to promote its underlying
26 purposes and policies; and

27 (2) Preempt any conflicting state statutes and principles of
28 common law or equity.
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30 SECTION 2. Arkansas Code § 19-11-217(c), concerning the powers and
31 duties of the State Procurement Director, is amended to add an additional
32 subdivision to read as follows:

33 (14) Upon the written request of a state agency or an actual or
34 prospective bidder, offeror, or contractor, may declare his or her
35 administrative interpretation of any provision of this subchapter and issue
36 an advisory opinion regarding the construction and application of the



1 provision.

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 3 SECTION 3. Arkansas Code § 19-11-244(a)(2), concerning the resolution
 4 of protested solicitations and awards, is amended to read as follows:

5 (2)(A) ~~Any~~ An actual bidder, offeror, or contractor who is
 6 aggrieved in connection with the award of a contract may protest to the:

7 ~~(A)(i)~~ Director; or

8 ~~(B)(ii)~~ Head of a procurement agency.

9 (B) A person submitting a protest under subdivision
 10 (a)(2)(A) of this section shall give notice of the protest to the person
 11 named in the anticipation to award a contract by sending the person a copy of
 12 the protest by electronic mail and regular mail.

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 14 SECTION 4. Arkansas Code § 19-11-244(a), concerning the resolution of
 15 protested solicitations and awards, is amended to add an additional
 16 subdivision to read as follows:

17 (5)(A) A person named in an anticipation to award a contract
 18 that is protested under this section may file a written response to the
 19 protest.

20 (B) A response to a protest submitted under subdivision
 21 (a)(5)(A) of this section shall be submitted in writing within five (5) days
 22 of the date the person is given notice of the protest under subdivision
 23 (a)(2)(B) of this section.

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 26 **APPROVED: 4/20/21**
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