

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, OFFICE OF
STATE PROCUREMENT**

SUBJECT: Rules Governing Mandatory Procurement Training Program

DESCRIPTION: This three-part rule addresses the requirements contained in Ark. Code Ann. § 19-11-280 for the establishment of a mandatory training and certification program for state agency procurement personnel. The rule establishes the mandatory procurement training program, addresses documentation of compliance, addresses apparent non-compliance, and provides notice for revocation of procurement certification or delegated authority.

PUBLIC COMMENT: A public hearing was held on this rule on June 29, 2022. The public comment period expired on July 18, 2022. The agency indicated that it received no public comments.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following question and received the following response:

Q. A.C.A. § 19-11-280(c)(2) states, “To maintain certification under this section, a state agency employee shall complete a reasonable number of hours of continuing education, as provided for by rule by the director.” The proposed rules provide that the State Procurement Director “shall set the minimum number of hours of procurement training required for the following fiscal year by June 30th.” Will this occur through the formal rulemaking process, or will the Director set the annual minimum through some other process? **RESPONSE:** In response to your inquiry, Secretary Rouse has advised that setting the minimum number of hours of required procurement training will occur through policy and not formal rulemaking.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact.

LEGAL AUTHORIZATION: This rule implements Act 419 of 2019. The Act, sponsored by Representative Jeff Wardlaw, amended the laws concerning various procurement methods, provided for the training and certification of procurement officials, and required additional legislative review of procurement rules. The Act required the State Procurement Director to “establish a training and certification program to facilitate the training, continuing education, and certification of state agency procurement personnel” and to promulgate rules regarding the procedure for revoking a state agency employee’s procurement certification. Ark. Code Ann. § 19-11-280(a), (d)(2). The Director also has authority to promulgate rules regarding the required number of continuing education hours for procurement personnel. Ark. Code Ann. § 19-11-280(c)(2).

