



## Department of Transformation and Shared Services

Governor Asa Hutchinson

Secretary Amy Fecher

January 3, 2022

Jessica C. Whittaker, Administrator  
Administrative Rules Review Section  
Bureau of Legislative Research  
One Capitol Mall, 5th floor  
Little Rock, Arkansas 72201

Via: Electronic Mail

Re: January Act 595 Report

### **Office of Personnel Management (OPM)**

- **Rule for OPM to Review Training Materials on Divisive Concepts, Act 1100 of 2021**

This Act prohibits the propagation of divisive concepts and requires a review of Department training materials. The Act defines "divisive concept" and provides that agencies are prohibited from teaching, instructing, or training any employee, staff member, or other individual to adopt or believe any divisive concept. This Act requires state agencies to issue a policy incorporating the requirements of the prohibition. The Department of Transformation and Shared Services (TSS) will assist Departments in implementing policies. The Act also requires the TSS Secretary to develop rules to enforce the requirements of the Act.

Status: Drafting complete; in review.  
The Acts effective date is January 1, 2022.

### **Division of Building Authority (DBA)**

- **DBA Minimum Standards and Criteria, Act 440 of 2021**

Act 440 amends the award procedure for public improvement contracts by increasing the threshold for several criteria such as observation by registered professionals, notice requirements, and bid bond to \$50,000 (from \$25,000 or \$35,000). The Act also amends the emergency contracting procedures for counties and municipalities by limiting emergency contracts addressing an unforeseen or unavoidable emergency in which human life, health, or public property is in jeopardy and it requires a written statement regarding the emergency.

Status: Drafting complete and in internal review process.  
Promulgation Deadline: Act 440 does not specify a deadline.

### **Office of State Procurement (OSP)**

- **Approval Process for OSP to Procure a Commodity or Service for Its Own Use Through Participation in a Cooperative Purchase Agreement, Act 488 of 2021**

The proposed amendment to the rule provides that whenever OSP desires to procure a commodity or service for its own use through participation in a cooperative purchase agreement,

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its director shall submit a request for approval to the TSS Secretary, who may elect to deny the request or to advance it to the Governor for approval.

Status: Being drafted.

Promulgation Deadline: Act No. 488 does not specify a deadline.

**Contact:**

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