

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1776

By: Representative Willems

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 14-22-106 TO PROVIDE THAT COUNTIES SHALL NOT BE REQUIRED TO SOLICIT BIDS FOR THE PURCHASE OF CULVERTS OR USED ROAD DRAINAGE PIPE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 14-22-106 is hereby amended to read as follows:

"14-22-106. Purchases exempted from soliciting bids.

The following listed commodities may be purchased without soliciting bids:

- (1) Perishable foodstuffs for immediate use;
- (2) Unprocessed feed for livestock and poultry;
- (3) Advanced emergency medical services provided by a nonprofit corporation and proprietary medicines when specifically requested by a professional employee;
- (4) Books, manuals, periodicals, films, and copyrighted educational aids for use in libraries and for other informational material for institutional purposes;
- (5) Scientific equipment and parts therefor;
- (6) Replacement parts and labor for repairs for machinery and equipment;
- (7) Commodities available only from the federal government;
- (8) Any commodities needed in instances in which an unforeseen and unavoidable emergency has arisen in which human life, health, or public property is in jeopardy. However, no such emergency purchase shall be approved unless a statement in writing shall be attached to the purchase order describing the emergency necessitating the purchase of such commodity without competitive bidding;

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

(10) (A) Sand, gravel, soil, lumber, and used or secondhand motor vehicles, machinery, equipment, culverts, or used road drainage pipe.

(B) Used or secondhand motor vehicles which have been under lease to a county when such vehicles had fewer than eighteen thousand (18,000) miles of use may not be purchased by the county when it has been used eighteen thousand (18,000) miles or more except upon competitive bids as provided for in this chapter;

(11) Machinery, equipment, facilities, or other personal property purchased or acquired for, or in connection with, the securing and developing of industry under or pursuant to the provisions of Arkansas Constitution, Amendment 49, §§ 14-164-201 - 14-164-224, or any other provision of law pertaining to the securing and developing of industry;

(12) Registered livestock to be used for breeding purposes;

(13) Motor fuels;

(14) Motor vehicles, equipment, machinery, material, or supplies offered for sale at public auction or through a process requiring sealed bids."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that present law requires counties to purchase by competitive bids culverts and used road drainage pipes if the purchase would be in excess of five thousand dollars (\$5,000.00); that the opportunity now exists for counties to purchase such materials at a substantially lower price than they could purchase it if they are required to take bids due to the fact that the culverts and used road drainage pipe will not be available but for a short period of time; and that this Act should therefore be given immediately effect. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and

safety shall be in full force and effect from and after its passage and approval.