

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Thicksten

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## For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 19, CHAPTER 11, SUBCHAPTER 2 OF THE  
9 ARKANSAS CODE BY RAISING THE MINIMUM BID LIMITS FOR STATE  
10 PURCHASING AND TO INCREASE THE NUMBER OF YEARS THAT THE  
11 STATE MAY ENTER INTO A MULTIYEAR CONTRACT FROM FIVE (5) TO  
12 SEVEN (7) YEARS; AND FOR OTHER PURPOSES."

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## Subtitle

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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 Annotated § 19-11-204 is hereby amended to  
23 read as follows:

24 "19-11-204. Definitions concerning source selection and contract  
25 formation.

26 As used in this subchapter, unless the context otherwise requires:

27 (1) Competitive sealed bidding: See § 19-11-229(a);

28 (2) Competitive sealed proposals: See § 19-11-230(a);

29 (3) Established catalogue price means the price included in a  
30 catalogue, price list, schedule, or other form that:

31 (A) Is regularly maintained by a manufacturer or contractor;

32 (B) Is either published or otherwise available for inspection by  
33 customers; and

34 (C) States prices at which sales are currently or were last made  
35 to a significant number of buyers constituting the general buying public for

1 the commodities or services involved;

2 (4) Invitation for bids means all documents, whether attached or  
3 incorporated by reference, utilized for soliciting bids in accordance with  
4 the procedures set forth in § 19-11-229, which refers to competitive sealed  
5 bidding;

6 (5) Purchase description means specifications or any other document  
7 describing the commodities or services to be procured;

8 (6) Request for proposals means all documents, whether attached or  
9 incorporated by reference, utilized for soliciting proposals in accordance  
10 with the procedures set forth in § 19-11-230, which refers to competitive  
11 sealed proposals, § 19-11-231, which refers to small purchases, § 19-11-232,  
12 which refers to proprietary or sole source procurements, § 19-11-233, which  
13 refers to emergency procurements, or § 19-11-234, which refers to competitive  
14 bidding;

15 (7) Responsible bidder or offeror means a person who has the  
16 capability in all respects to perform fully the contract requirements, and  
17 the integrity and reliability which will assure good faith performance;

18 (8) Responsive bidder means a person who has submitted a bid under  
19 § 19-11-229, which refers to competitive sealed bidding, which conforms in  
20 all material respects to the invitation for bids, including the  
21 specifications set forth in the invitation;

22 (9) Emergency procurement means the acquisition of commodities or  
23 services which, if not immediately initiated, will endanger human life or  
24 health, state property, or the functional capability of a state agency;

25 (10) Small purchases means any procurement not exceeding a purchase  
26 price of one thousand dollars (\$1,000). Small purchases may be procured  
27 without seeking competitive bids or competitive sealed bids; however,  
28 competition should be used to the maximum extent practicable. Items under  
29 state contract are excluded; and

30 (11) Competitive bidding: See § 19-11-234(a)."  
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32 SECTION 2. Arkansas Code Annotated § 19-11-229(b) is hereby amended to  
33 read as follows:

34 "(b) CONDITIONS FOR USE. Contracts exceeding an estimated purchase  
35 price of ten thousand dollars (\$10,000) shall be awarded by competitive

1 sealed bidding unless a determination is made in writing by the agency  
2 purchasing official or the State Purchasing Director that this method is not  
3 practicable and advantageous, and specifically states the reasons therefor.  
4 The director may provide by regulation that it is not practicable to procure  
5 specified types of commodities or services by competitive sealed bidding.  
6 Factors to be considered in determining whether competitive sealed bidding is  
7 not practicable shall include whether:

8           (1) Purchase descriptions are suitable for award on the basis of  
9 the lowest evaluated bid price; and

10           (2) The available sources, the time and place of performance,  
11 and other relevant circumstances are appropriate for the use of competitive  
12 sealed bidding."  
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14           SECTION 3. Arkansas Code Annotated § 19-11-234(b) is hereby amended to  
15 read as follows:

16           "(b) CONDITIONS FOR USE. Contracts in which the purchase price  
17 exceeds one thousand dollars (\$1,000) and is less than or equal to ten  
18 thousand dollars (\$10,000) may be awarded by use of competitive bidding  
19 procedures; however, in any such instances, competitive sealed bidding is  
20 permitted."  
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22           SECTION 4. Arkansas Code Annotated § 19-11-234(d) is hereby amended to  
23 read as follows:

24           "(d) RECORDS. (1) Copies of the competitive bid form and the purchase  
25 order must be forwarded to the Office of State Purchasing within the first  
26 ten (10) days of each month by all state agencies not having agency  
27 purchasing officials.

28           (2) The director or agency purchasing official shall keep a  
29 record of all procurements requiring bids less than or equal to ten thousand  
30 dollars (\$10,000). An abstract of the bids shall be retained in the bid file  
31 and shall be available for public inspection."  
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33           SECTION 5. Arkansas Code Annotated § 19-11-238(a) is hereby amended to  
34 read as follows:

35           "(a) SPECIFIED PERIOD. Unless otherwise provided by law, a contract

1 for commodities or services may be entered into for periods of not more than  
2 seven (7) years if funds for the first fiscal year of the contemplated  
3 contract are available at the time of contracting. Payment and performance  
4 obligations for succeeding fiscal years shall be subject to the availability  
5 and appropriation of funds therefor."

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7       SECTION 6. All provisions of this act of a general and permanent  
8 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
9 Code Revision Commission shall incorporate the same in the Code.

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11       SECTION 7. 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 8. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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