

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1517

4 By: Representatives Thicksten, Maddox, Wilkinson, Miller, Critcher, Malone,
5 Calhoun, Wooldridge, Curran, Ferguson, Hill, Simmons, Wagner, Rorie, Whorton,
6 Ammons, Stalnaker, Laverty, Horn, Hendrix, Newman, Baker, Northcutt,
7 McKissack, Fletcher and T. Smith

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For An Act To Be Entitled

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11 "AN ACT AMENDING VARIOUS SECTIONS OF THE ARKANSAS CODE TO
12 GRANT LOCAL SCHOOL BOARDS THE OPTION OF PURCHASING SCHOOL
13 BUSES RATHER THAN GOING THROUGH THE STATE PURCHASING
14 DIRECTOR SO LONG AS THE ARKANSAS DEPARTMENT OF EDUCATION
15 SPECIFICATIONS AND STATE PURCHASING PROCEDURES AND
16 GUIDELINES ARE FOLLOWED; AND FOR OTHER PURCHASES."

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Subtitle

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19 "TO GRANT LOCAL SCHOOL BOARDS THE OPTION
20 OF PURCHASING SCHOOL BUSES SO LONG AS
21 ADE SPECIFICATIONS AND STATE PURCHASING
22 PROCEDURES AND GUIDELINES ARE FOLLOWED."

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

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26 SECTION 1. Arkansas Code Annotated § 6-21-301(2) is hereby amended to
27 read as follows:

28 "(2) Commodities means all supplies, goods, material, equipment,
29 machinery, facilities, personal property, and services, other than personal
30 and professional services, purchased for or on behalf of the school district,
31 and includes school buses;"

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33 SECTION 2. Arkansas Code Annotated § 6-21-304 is hereby amended to
34 read as follows:

35 "6-21-304. Manner of making purchases.

1 (a) All purchases of commodities by any school district, except those
2 specifically exempted by § 6-21-305, shall be made as follows:

3 (1) In each instance in which the estimated purchase price shall
4 equal or exceed five thousand dollars (\$5,000), the commodity shall be
5 procured by soliciting bids, provided that the purchasing official may reject
6 all bids and may purchase the commodity by negotiating a contract. If the
7 purchasing official, after rejecting all bids, determines that the purchase
8 should be made by negotiation, then each responsible bidder who submitted a
9 bid shall be notified of the determination and shall be given a reasonable
10 opportunity to negotiate;

11 (2) Open market purchases may be made where the purchase price
12 is less than five thousand dollars (\$5,000);

13 (3) No purchasing official shall parcel or split any item or
14 items with the intent or purpose to enable the purchase to be made under a
15 less restrictive procedure.

16 (b)(1) The State Purchasing Director shall have concurrent
17 jurisdiction with local school boards for the purchase of Types A, B, C, and
18 D school buses.

19 (2) The Department of Education shall have responsibility for
20 drawing up the specifications for all school buses to be bid through the
21 State Purchasing Director or by local school districts.

22 (3) An advisory committee made up of ten (10) school
23 administrators representing all sizes of schools and all areas of the state
24 shall assist the Department of Education in drawing up specifications for
25 school buses.

26 (c) For the purposes of this section:

27 (1) A Type A school bus is a conversion or body constructed
28 upon a van-type compact truck or a front-section vehicle with a gross weight
29 rating of ten thousand pounds (10,000 lbs.) or less and designed for carrying
30 more than ten (10) persons;

31 (2) A Type B school bus is a conversion or body constructed
32 and installed upon a van or front-section vehicle chassis or stripped chassis
33 with a vehicle weight rating of more than ten thousand pounds (10,000 lbs.)
34 and designed for carrying more than ten (10) persons. Part of the engine is
35 beneath or behind the windshield and beside the driver's seat. The entrance

1 door is behind the front wheels;

2 (3) A Type C school bus is a body installed upon a flat back
3 cowl chassis with a gross vehicle weight rating of more than ten thousand
4 pounds (10,000 lbs.) and designed for carrying more than ten (10) persons.
5 All of the engine is in front of the windshield. The entrance door is behind
6 the front wheels; and

7 (4) A Type D school bus is a body installed upon a chassis
8 with the engine mounted in the front, midship, or rear with a gross vehicle
9 weight rating of more than ten thousand pounds (10,000 lbs.) and designed for
10 carrying more than ten (10) persons. The engine may be behind the windshield
11 and beside the driver's seat, at the rear of the bus, behind the rear wheels,
12 or midship between the front and rear axles. The entrance door is ahead of
13 the front wheels."

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15 SECTION 3. Arkansas Code Annotated § 6-21-305 is hereby amended to
16 read as follows:

17 "6-21-305. Exemptions from bidding requirements.

18 (a) The following commodities may be purchased without soliciting
19 bids:

20 (1) Commodities in instances of an unforeseen and unavoidable
21 emergency; provided, no emergency purchase shall be approved by the
22 superintendent unless a statement in writing shall be attached to the
23 purchase order describing the emergency necessitating the purchase of the
24 commodity without competitive bidding;

25 (2) Commodities available only from the federal government;

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

28 (4) With the exception of used school buses, used equipment and
29 machinery;

30 (5) Commodities available only from a single source.

31 (b) However, the purchasing official must determine in writing that it
32 is not practicable to use other than the required or designated commodity or
33 service, and a copy of this statement shall be attached to the purchase

34 order. (c)(1) The State Purchasing Director shall have concurrent
35 jurisdiction with local school boards over the purchase of new and used

1 school buses.

2 (2) The Office of State Purchasing shall take bids from all
3 school bus body and chassis manufacturers doing business in Arkansas."

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5 SECTION 4. Arkansas Code Annotated § 6-19-114 is hereby amended to
6 read as follows:

7 "6-19-114. Purchase of buses.

8 (a) School buses purchased with loans from the Revolving Loan Fund
9 must meet the prescribed minimum standards and regulations for school buses
10 and must be owned and operated by the district purchasing them.

11 (b)(1) The purchase of school buses with loans from the Revolving Loan
12 Fund shall be made upon competitive bids.

13 (2) Forms for bids shall be approved by the State Board of
14 Education.

15 (3) The district shall advertise for bids by publication of
16 notice in a newspaper having bona fide circulation in the county where the
17 district is located, once a week for two (2) weeks, giving the date and place
18 of opening bids.

19 (4) The first publication of notice shall be not less than
20 thirty (30) days from the date set for opening bids and awarding of
21 contracts.

22 (c) Any school district which shall desire that the State Purchasing
23 Director purchase buses for that school district, instead of making the
24 purchase as provided in this section, may apply to the State Purchasing
25 Director to make the purchase for it."

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27 SECTION 5. Arkansas Code Annotated § 19-11-222 is hereby amended to
28 read as follows:

29 "19-11-222. Jurisdiction over procurement.

30 (a) The State Purchasing Director shall have exclusive jurisdiction
31 over the procurement of the following commodities and services:

- 32 (1) Items subject to Arkansas Constitution, Amendment 54;
33 (2) Wholesale gasoline, oil, antifreeze, and related products;
34 (3) Tires;
35 (4) Tubes;

1 (5) Passenger motor vehicles and trucks, except highway
2 construction and highway maintenance equipment or any specialized type of
3 equipment used in highway construction except as otherwise provided in this
4 subchapter;

5 (6) Paper products; and

6 (7) New and used school buses for state agencies.

7 (b) The State Purchasing Director shall have concurrent jurisdiction
8 with local school boards over the procurement of new and used school buses
9 for school districts."

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

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15 SECTION 7. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 8. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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