

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H2/14/97 H2/19/97

A Bill

HOUSE BILL 1435

5 *By: Representatives Critcher and Wilkinson*
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7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARK. CODE ANN. §§ 6-21-301, 6-21-304, AND
10 6-21-305 TO GRANT LOCAL SCHOOL DISTRICTS AUTHORITY TO
11 PURCHASE SCHOOL BUSES; AND FOR OTHER PURPOSES."
12

Subtitle

13 "TO GRANT LOCAL SCHOOL DISTRICTS
14 AUTHORITY TO PURCHASE SCHOOL BUSES."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Annotated § 6-21-301(2) is amended to read as
20 follows:

21 "(2) Commodities means all supplies, goods, material, equipment,
22 machinery, facilities, personal property, and services, other than personal
23 and professional services, purchased for or on behalf of the school district,
24 ~~and does not include school buses;~~"
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26 SECTION 2. Arkansas Code Annotated § 6-21-304 is amended to read as
27 follows:

28 "6-21-304. Manner of making purchases.

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

31 (1) In each instance in which the estimated purchase price shall
32 equal or exceed five thousand dollars (\$5,000), the commodity shall be
33 procured by soliciting bids, provided that the purchasing official may reject
34 all bids and may purchase the commodity by negotiating a contract. If the
35 purchasing official, after rejecting all bids, determines that the purchase
36 should be made by negotiation, then each responsible bidder who submitted a

1 bid shall be notified of the determination and shall be given a reasonable
2 opportunity to negotiate;

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

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

8 ~~(b)(1) The State Purchasing Director shall have exclusive jurisdiction~~
9 ~~for the purchase of Types A, B, C, and D school buses.~~

10 ~~(2) The Department of Education shall have responsibility for drawing up~~
11 ~~the specifications for all school buses to be bid through the State Purchasing~~
12 ~~Director.~~

13 ~~(3) An advisory committee made up of ten (10) school administrators~~
14 ~~representing all sizes of schools and all areas of the state shall assist the~~
15 ~~Department of Education in drawing up specifications for school buses.~~

16 ~~(c) For the purposes of this section:~~

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

21 ~~(2) A "Type B school bus" is a conversion or body constructed and~~
22 ~~installed upon a van or front-section vehicle chassis or stripped chassis with~~
23 ~~a vehicle weight rating of more than ten thousand pounds (10,000 lbs.) and~~
24 ~~designed for carrying more than ten (10) persons. Part of the engine is~~
25 ~~beneath or behind the windshield and beside the driver's seat. The entrance~~
26 ~~door is behind the front wheels;~~

27 ~~(3) A "Type C school bus" is a body installed upon a flat back cowl~~
28 ~~chassis with a gross vehicle weight rating of more than ten thousand pounds~~
29 ~~(10,000 lbs.) and designed for carrying more than ten (10) persons. All of~~
30 ~~the engine is in front of the windshield. The entrance door is behind the~~
31 ~~front wheels; and~~

32 ~~(4) A "Type D school bus" is a body installed upon a chassis with the~~
33 ~~engine mounted in the front, midship, or rear with a gross vehicle weight~~
34 ~~rating of more than ten thousand pounds (10,000 lbs.) and designed for~~
35 ~~carrying more than ten (10) persons. The engine may be behind the windshield~~
36 ~~and beside the driver's seat, at the rear of the bus, behind the rear wheels,~~

1 ~~or midship between the front and rear axles. The entrance door is ahead of~~
2 ~~the front wheels."~~

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4 SECTION 3. Arkansas Code Annotated § 6-21-305 is amended to read as
5 follows:

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

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

8 (1) Commodities in instances of an unforeseen and unavoidable
9 emergency; provided, no emergency purchase shall be approved by the
10 superintendent unless a statement in writing shall be attached to the purchase
11 order describing the emergency necessitating the purchase of the commodity
12 without competitive bidding;

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

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

16 (4) With the exception of used school buses, used equipment and
17 machinery;

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

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

22 ~~—— (c)(1) The State Purchasing Director shall have exclusive jurisdiction~~
23 ~~over the purchase of new and used school buses.~~

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

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27 SECTION 4. Arkansas Code Annotated § 19-11-222 is amended to read as
28 follows:

29 "19-11-222. Exclusive jurisdiction over procurement.

30 The State Purchasing Director shall have exclusive jurisdiction over the
31 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;

36 (5) Passenger motor vehicles and trucks, except highway construction

1 and highway maintenance equipment or any specialized type of equipment used in
2 highway construction except as otherwise provided in this subchapter; and
3 (6) Paper products, ~~and~~
4 ~~(7) New and used school buses for state agencies and school districts."~~
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6 SECTION 5. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 6. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 7. All laws and parts of laws in conflict with this act are
17 hereby repealed.

18 /s/Rep. Critcher
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