

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/19/03

A Bill

HOUSE BILL 2492

5 By: Representative Lendall
6
7

For An Act To Be Entitled

9 AN ACT TO REVISE CERTAIN DEFINITIONS RELATING TO
10 STATE PROCUREMENTS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO REVISE CERTAIN DEFINITIONS
13 RELATING TO STATE PROCUREMENTS.
14
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 *SECTION 1. Arkansas Code § 19-11-902 is amended to read as follows:*
20 *19-11-902. Regulations.*

21 *(a) The Office of State Procurement shall be responsible for*
22 *developing regulations governing implementation of this subchapter.*

23 *(b) For purposes of this subchapter:*

24 *(1) "Commodities" means all property, including, but not limited*
25 *to, equipment, printing, stationery, supplies, and insurance, but excluding*
26 *real property, leases on real property, or a permanent interest in real*
27 *property;*

28 *(2) "Disabled individuals" means those persons who have a*
29 *medically or psychiatrically determined physical, mental, or developmental*
30 *disability constituting a substantial vocational handicap;*

31 *(3) "Arkansas Rehabilitation Services" means the Arkansas*
32 *Rehabilitation Services of the Department of Workforce Education;*

33 *(4) "Fiscal year" means July 1 of one (1) year through June 30*
34 *of the next year;*

35 *(5) "Ordering office" means any state department, independent*
36 *establishment, board, commission, bureau, service, or division of state*



1 government and any wholly owned state corporation;

2 (6) "Products", for purposes of this subchapter, means
3 commodities or services wherein the price of the commodities includes at
4 least twenty percent (20%) value added when the work center is awarded a
5 contract using the ~~ten percent (10%)~~ five percent (5%) preference, and in the
6 case of services, that they are performed by the disabled;

7 (7)(A) "Services" means the furnishing of labor, time, or effort
8 by a contractor, not involving the delivery of a specific end product other
9 than reports which are merely incidental to the required performance.

10 (B) This term shall not include employment agreements,
11 collective bargaining agreements, or architectural or engineering contracts
12 requiring approval of Arkansas State Building Services;

13 (8) "Sheltered workshop" means a work center which has:

14 (A) Certification from the United States Department of
15 Labor as a sheltered workshop; and

16 (B) Been licensed by the Division of Developmental
17 Disabilities Services of the Department of Human Services or certification
18 from Arkansas Rehabilitation Services; and

19 (9)(A) "Work center" means any facility certified by the
20 Arkansas Rehabilitation Services where any manufacture or handiwork is
21 carried on and which is operated for the primary purpose of providing
22 evaluation, training, and gainful employment to disabled individuals of
23 Arkansas:

24 (i) As an interim step in the rehabilitation process
25 for those who cannot be readily absorbed in the competitive labor market; or

26 (ii) During such time as employment opportunities
27 for them in the competitive labor market do not exist.

28 (B) "Work center" includes a sheltered work center.

29 (c) All state agencies as defined in § 19-11-203 are required to
30 purchase their requirements of needed available and suitable products, as
31 defined in subdivision (b)(6) of this section, and purchase suitable
32 services, as defined in subdivision (b)(7) of this section, from nonprofit
33 work centers for disabled individuals, unless such commodities and services
34 are authorized by prior legislation for production in another state agency,
35 department, or institution.

36 (d)(1) The Office of State Procurement shall issue to all agency

1 purchasing agents a schedule of work center-made commodities and services and
2 the conditions under which they are to be procured from the workshops.

3 (2) The schedule shall include the item or service description.

4 (e) Arkansas Rehabilitation Services shall undertake the inspection on
5 a continuing basis of the workshops certified by Arkansas Rehabilitation
6 Services to determine that they operate in accordance with the requirements
7 of the statute and the regulations of this section.

8 (f)(1)(A) In order to qualify for participation in the program as a
9 work center, an organization shall submit an application to the Office of
10 State Procurement.

11 (B) If required for all vendors, there should be included
12 a list of the commodities and services offered for sale to the state.

13 (2) Work centers shall:

14 (A) Furnish commodities and services in strict accordance
15 with the allocation and government order;

16 (B) Maintain records of wages paid, hours of employment,
17 and sales;

18 (C) Make available pertinent books and records of the
19 agency for inspection at any reasonable time to representatives of the
20 Arkansas Rehabilitation Services; and

21 (D)(i) Submit to the Arkansas Rehabilitation Services by
22 September 1 an annual report for the preceding fiscal year.

23 (ii) This report shall include data on disabled
24 workers, wages and wage supplements, hours of employment, sales, whether the
25 workshop requires a facilities sheltered workshop certificate from the United
26 States Department of Labor and special minimum rates authorized where such
27 certificate is held and such other relevant information as may be required.

28 (g) Where a commodity or service is identified in the schedule of work
29 center-made commodities and services as being available through the Office of
30 State Procurement, it shall be obtained in accordance with the requisitioning
31 procedures of the supplying agency.

32 (h) An ordering office may purchase from a nonworkshop source
33 commodities or services listed in the schedule of work center-made
34 commodities and services in any of the following circumstances:

35 (1) Necessity requires delivery within the specified period, and
36 the work center cannot give assurance of positive availability;

