

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/29/05

A Bill

SENATE BILL 1164

5 By: Senator Altes
6
7

For An Act To Be Entitled

9 AN ACT CONCERNING ETHICS IN THE PUBLIC SCHOOL
10 PROCUREMENT PROCESS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT CONCERNING ETHICS IN THE PUBLIC
13 SCHOOL PROCUREMENT PROCESS.
14
15
16

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

19 *SECTION 1. Arkansas Code § 6-21-304(a), concerning the purchase of*
20 *commodities by a school district, is amended to read as follows:*

21 *6-21-304. Manner of making purchases.*

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

24 *~~(1)(A)~~ In each instance in which the estimated purchase price*
25 *shall equal or exceed ten thousand dollars (\$10,000), the commodity shall be*
26 *procured by soliciting bids, provided that the purchasing official may reject*
27 *all bids and may purchase the commodity by negotiating a contract. If the*
28 *purchasing official, after rejecting all bids, determines that the purchase*
29 *should be made by negotiation, then each responsible bidder who submitted a*
30 *bid shall be notified of the determination and shall be given a reasonable*
31 *opportunity to negotiate;*

32 *~~(2)(B)~~ Open market purchases may be made where the purchase*
33 *price is less than ten thousand dollars (\$10,000); and*

34 *~~(3)(C)~~ No purchasing official shall parcel or split any item or*
35 *items with the intent or purpose to enable the purchase to be made under a*
36 *less restrictive procedure.*



1 (2)(A) In soliciting bids for the purchase of a commodity, a
2 school district or a person or organization acting on behalf of a school
3 district shall not impose qualifications or specifications that unreasonably
4 restrict competition for the purchase of a commodity.

5 (B)(i) As used in this subdivision, "specifications" means
6 a technical description or other description of the physical or functional
7 characteristics of a commodity.

8 (ii) Specifications shall not include the name or
9 identity of any specific vendor.

10 (3)(A) A school district shall notify in writing all actual or
11 prospective bidders, offerors, or contractors who make a written request to
12 the school district for notification of opportunities to bid.

13 (B) Notice under subdivision (a)(3)(A) of this section
14 shall be provided in sufficient time to allow actual or prospective bidders,
15 offerors, or contractors to submit a bid or otherwise appropriate response.

16 (4)(A) Any actual or prospective bidder, offeror, or contractor
17 who is aggrieved in connection with the solicitation or award of a school
18 district contract may protest to the superintendent of the school district in
19 accordance with procedures established by the board of directors of the
20 school district.

21 (B) Protest procedures shall include, at a minimum,
22 provisions addressing the following:

23 (i) The superintendent's authority to settle and
24 resolve a protest of an aggrieved person concerning the solicitation or award
25 of a contract;

26 (ii) Submission of a protest in writing within seven
27 (7) calendar days after the aggrieved person knows or should have known of
28 the facts giving rise to the protest;

29 (iii) The provision of reasonable notice to all
30 persons involved and reasonable opportunity for those persons to respond to
31 the protest issues;

32 (iv) The issuance of a prompt decision in writing
33 that states the reasons for the action taken and is provided to all
34 interested parties;

35 (v) The impact of a protest on continuing with the
36 solicitation or award of the school district contract pending the resolution

1 of the protest; and

2 (vi) The award of costs with regard to successful
3 protests.

4 (C) A decision on a protest under this section shall be
5 final and conclusive.

6

7 /s/ Altes

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36