

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1521

5 By: Representative M. Gray
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE PROCUREMENT OF CONTRACTS FOR
10 NONEMERGENCY TRANSPORTATION; TO REQUIRE THAT
11 CONTRACTS FOR NONEMERGENCY TRANSPORTATION BE AWARDED
12 BY COMPETITIVE SEALED PROPOSALS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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16 TO REQUIRE THAT CONTRACTS FOR
17 NONEMERGENCY TRANSPORTATION BE AWARDED BY
18 COMPETITIVE SEALED PROPOSALS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 19-11-203, concerning the definitions to be
25 used in the Arkansas Procurement Law, is amended to add an additional
26 subdivision to read as follows:

27 (37) "Nonemergency transportation" means transportation services
28 provided by persons who ensure that eligible Medicaid recipients are
29 transported to and from approved medical appointments.
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31 SECTION 2. Arkansas Code § 19-11-228 is amended to read as follows:
32 19-11-228. Methods of source selection.

33 Unless otherwise authorized by law, all contracts shall be awarded by
34 competitive sealed bidding, ~~pursuant to~~ under § 19-11-229, ~~which refers to~~
35 ~~competitive sealed bidding~~, except as provided in:

36 (1) Section 19-11-230, which refers to competitive sealed



1 proposals;

2 (2) Section 19-11-231, which refers to small procurements;

3 (3) Section 19-11-232, which refers to proprietary or sole
4 source procurements;

5 (4) Section 19-11-233, which refers to emergency procurements;

6 (5) Section 19-11-234, which refers to competitive bidding;

7 (6) Section 19-11-262, which refers to multiple award contracts;

8 ~~or~~

9 (7) Section 19-11-263, which refers to special procurements;

10 and

11 (8) Section 19-11-273, which refers to nonemergency
12 transportation.

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14 SECTION 3. Arkansas Code Title 19, Chapter 11, Subchapter 2, is
15 amended to add an additional section to read as follows:

16 19-11-273. Nonemergency transportation – Findings and intent.

17 (a)(1) The General Assembly finds that:

18 (A) Nonemergency transportation is critical to Arkansas’s
19 medical delivery system;

20 (B) The safety and welfare of the persons who rely on
21 nonemergency transportation should be an essential consideration in selecting
22 providers of this service; and

23 (C) Federal regulations regarding Medicaid transportation
24 require that the competitive bidding process used to select a provider of
25 nonemergency transportation be based on the state’s evaluation of the
26 provider’s experience, performance, references, resources, qualifications,
27 and costs.

28 (2) The intent of this section is to require state agencies to
29 request proposals and consider other factors in addition to cost in selecting
30 a provider for nonemergency transportation to ensure that this state’s
31 Medicaid recipients are provided with safe and reliable nonemergency
32 transportation.

33 (b)(1)(A) When a state agency purchases nonemergency transportation,
34 the state agency shall use the process for soliciting, evaluating, and
35 awarding competitive sealed proposals under § 19-11-230.

36 (B) However, in the solicitation, evaluation, and awarding

1 of competitive sealed proposals under subdivision (b)(1)(A) of this section,
2 no more than thirty percent (30%) of the evaluation criteria established by a
3 state agency shall be determined by price.

4 (2) A contract for nonemergency transportation shall not be
5 awarded using the competitive sealed bidding process under § 19-11-229.

6 (3) This section does not prohibit the emergency procurement of
7 nonemergency transportation under § 19-11-233.

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