

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1853

By: Representative Gonzales  
By: Senator Hester

## For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS PROCUREMENT LAW; TO  
PROVIDE CLARITY, EQUITY, AND CONSISTENCY IN THE  
PROCUREMENT LAWS; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE ARKANSAS PROCUREMENT LAW;  
AND TO PROVIDE CLARITY, EQUITY, AND  
CONSISTENCY IN THE PROCUREMENT LAWS.

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

SECTION 1. Arkansas Code § 19-11-209 is amended to read as follows:  
19-11-209. Construction — Preemption of other laws.

This subchapter shall: ~~be~~

(1) Be construed liberally and applied to promote its underlying  
purposes and policies; and

(2) Preempt any conflicting state statutes and principles of  
common law or equity.

SECTION 2. Arkansas Code § 19-11-217(c), concerning the powers and  
duties of the State Procurement Director, is amended to add an additional  
subdivision to read as follows:

(14) Upon the written request of a state agency or an actual or  
prospective bidder, offeror, or contractor, may declare his or her  
administrative interpretation of any provision of this subchapter and issue  
an advisory opinion regarding the construction and application of the



1 provision.

2  
3 SECTION 3. Arkansas Code § 19-11-244(a)(2), concerning the resolution  
4 of protested solicitations and awards, is amended to read as follows:

5 (2)(A) ~~Any~~ An actual bidder, offeror, or contractor who is  
6 aggrieved in connection with the award of a contract may protest to the:

7 ~~(A)(i)~~ Director; or

8 ~~(B)(ii)~~ Head of a procurement agency.

9 (B) A person submitting a protest under subdivision  
10 (a)(2)(A) of this section shall give notice of the protest to the person  
11 named in the anticipation to award a contract by sending the person a copy of  
12 the protest by electronic mail and regular mail.

13  
14 SECTION 4. Arkansas Code § 19-11-244(a), concerning the resolution of  
15 protested solicitations and awards, is amended to add an additional  
16 subdivision to read as follows:

17 (5)(A) A person named in an anticipation to award a contract  
18 that is protested under this section may file a written response to the  
19 protest.

20 (B) A response to a protest submitted under subdivision  
21 (a)(5)(A) of this section shall be submitted in writing within five (5) days  
22 of the date the person is given notice of the protest under subdivision  
23 (a)(2)(B) of this section.