

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 399

5 By: Senator Flippo  
6 By: Representative Jean  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS PROCUREMENT LAW AS IT  
10 RELATES TO MANDATORY STATE CONTRACTS; TO EXEMPT STATE  
11 AGENCIES FROM MANDATORY STATE CONTRACTS IN CERTAIN  
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE ARKANSAS PROCUREMENT LAW AS  
16 IT RELATES TO MANDATORY STATE CONTRACTS;  
17 AND TO EXEMPT STATE AGENCIES FROM  
18 MANDATORY STATE CONTRACTS IN CERTAIN  
19 CIRCUMSTANCES.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 19-11-223(b), concerning commodities,  
26 technical and general services, and professional and consultant services  
27 under mandatory state contract, is amended to read as follows:

28 ~~(b)(1) Unless an exemption is approved by the director under~~  
29 ~~subdivision (b)(2) of this section, a~~ A state agency that requires  
30 commodities, technical and general services, and professional and consultant  
31 services that are under a mandatory state contract shall procure these  
32 commodities, technical and general services, and professional and consultant  
33 services exclusively under the mandatory state contract, unless:

34 ~~(2)(A) Except as provided in (1) The contract is procured under~~  
35 ~~§ 19-11-233, the director may approve an exemption from a mandatory state~~  
36 ~~contract awarded under this section only if the; or~~



1           (2)(A) The state agency demonstrates to the satisfaction of the  
2 director that ~~substantial~~ savings will likely be effected by purchasing  
3 outside of the mandatory state contract.

4                   ~~(B)(i) Approval of an exemption from a mandatory state~~  
5 ~~contract under this section shall be in writing.~~

6                   ~~(ii) Denial of a request for an exemption from a~~  
7 ~~mandatory state contract under this section is not required to be in writing.~~

8                   (B) A state agency that is exempt from purchasing under a  
9 mandatory state contract under subdivision (b)(2)(A) of this section shall  
10 keep records as required by rule that evidence the savings realized by the  
11 agency from purchasing outside of the mandatory state contract.

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