



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF STATE PROCUREMENT
1509 West Seventh Street, Suite 300
Post Office Box 2940
Little Rock, Arkansas 72203-2940
Phone: (501) 324-9316
Fax: (501) 324-9311
<http://www.state.ar.us/dfa>

MEMORANDUM

To: All State Agencies, Colleges and University, Boards and Commissions
Attn: Procurement Agents, Agency Procurement Officials, Chief Fiscal Officers
From: Joseph A. Giddis
Date: April 10, 2007
Subject: 86th Session-Procurement Related Legislation Summary

During the 86th Legislative session a variety of legislative proposals affecting procurement were enacted. This summary provides a general overview of those "Acts".

The process of promulgating regulations is underway. We will post draft regulations and provide an opportunity for comments, suggestions and questions on the OSP web site at a later date. This process is not intended to by-pass the Administrative Procedures Act (APA). It is a tool to post regulatory work-in-progress. Sherry Seiffert will lead the process. She may be reached at sherry.seiffert@dfa.state.ar.us

Act 478 (HB2583) An Act to Amend Various Provisions of the Arkansas Procurement Law

Defines the Request for Qualification process and requires authorization of the OSP Director prior to use of the Request for Qualifications Procurement process when used for other than as provided in ACA 19-11-801 et.seq. Removes the requirement to seek authorization from the OSP Director for the use of the Request for Proposal Procurement (competitive sealed bidding) process. Sets a process for Colleges and Universities on the use of "Design Professional" (on-call) contracts.

Act 1597 (HB2551) Concerning the Use of High Efficiency Lighting by State Agencies:

Provides a preference for high efficiency lighting in facilities operated with public funds, when feasible. Defines fluorescent lamp, high efficiency lighting and solid state lighting. Requires OSP to prepare an annual report to the Legislative Council of the state's progress in meeting the goals for the purchase of high efficiency lighting.

Act 870 (HB1315) An Act Concerning the Review of Technical and General Services Contracts by the Arkansas Legislative Council (Review Sub-Committee):

Requires review of technical service contracts that exceed \$100K in the areas of information technology, the actual delivery of health care or human services and educational services. The process follows the Professional Consultant Services review process.

Act 157 (HB1024) An Act to Prohibit State Agencies from Contracting with Businesses that Employ Illegal Immigrants:

This act establishes the requirement for vendors to certify in a manner that does not violate federal law in existence on January 1, 2007, that the vendor, at the time of the certification, does not employ or contract with an illegal immigrant. The certification is envisioned to be handled by a web based application which requires the vendor to certify in accordance with the Act prior to the award of a contract. The data base will be available to all agency Procurement Staff.

Act 661 (HB 2793) To Allow Cities to Dispose of Obsolete Property in Certain Situations:

This Act provides for municipalities to dispose of obsolete personal property through a variety of means including disposal through Marketing and Redistribution.

Act 567 (HB2662) An Act Concerning Disclosure by a Member of the General Assembly when Entering into a Contract with a State Agency:

The Act requires that all proposed contracts with a member of the General Assembly, his or her spouse, or with any business in which such person or his or her spouse is an officer, a director, or a stockholder owning more than 10% of the stock in the business, shall be presented to the Legislative Council or the Joint Budget Committee, prior to the execution date of the contract. On or before October 1, 2007 each state agency, as defined under ACA 19-11-203 shall report to the Legislative Council all contracts with a member of the General Assembly, his or her spouse, or with any business in which such person or his or her spouse is an officer, a director, or a stockholder owning more than 10% of the stock in the business, entered into in the 5 years prior to the effective date of this act. There is NO emergency clause.

Should we become aware of any other Acts affecting the Procurement Law, we will update the OSP web site.