

# ARKANSAS PROCUREMENT CODE

**Fiscal Year End: June 30**

1. **Prequalifications:** If not registered, must pay price to receive copies of ITBs; however, can bid on any contract whether registered or not.
  - a. **AR Code R3:19-11-217.c** → Vendors not on vendor lists. Hard copies of invitations to bid requested in response to public notice or other notification of a particular procurement will be provided to the requestor at a charge consistent with the current costs of reproduction and distribution
2. **Auto-drop:** None.
3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed if LCC formulas are included in the ITB.
  - a. **AR Code R7:19-11-229.1** → Those criteria that will affect the bid price and be considered in evaluation for award shall be stated in the bid and objectively measured, such as transportation costs and total or life cycle cost.
  - b. **AR Code R7:19-11-229 (2)** → The following matters shall be applicable to all invitations for bids issued, bids submitted, and contracts awarded for the purchase of commodities:
    - A. Time discounts or cash discounts shall not be considered;
    - B. Quantity discounts should be included in the price of the item. When not included in the item price, the discount shall be considered only if the procurement agency, or the agency for whose benefit the procurement has been undertaken, deems it to be in the state's best interest. The unit price shown on the contract shall be the net price, less the discount, unless otherwise indicated in the bid;
    - C. An award may be made to the lowest aggregate bidder for all items, group of items, or on an individual item basis, whichever is deemed to be in the state's best interest.
    - D. Only signed, sealed bids delivered prior to the date and time of bid opening shall be accepted.
    - E. Past Performance
      - i. The past performance of a bidder on a state contract may be used by the procurement agency to determine whether the bidder is “responsible”. Past performance must be supported by written documentation not greater than three years old. Documentation may be a formal Vendor Performance Report, an informal memo (signed and dated) or any other appropriate authenticated notation of performance to the vendor file. Reports, memos and files may be in electronic form. Past performance may be positive or negative.
      - ii. Past performance on contracts from other Arkansas State Agencies may also be used for evaluation. Supporting documentation should be provided.
      - iii. Past performance evaluation should not take the place of suspension or debarment procedures.
4. **Piggybacking:** Allowed.

- a. **AR Code 19-11-249** → Any public procurement unit may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the acquisition of any commodities or services with one (1) or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public procurement units and open-ended state public procurement unit contracts which are made available to local public procurement units.

5. **Recycle Preferences:** Not mentioned except recycled paper products  
[http://www.arkansas.gov/dfa/procurement/documents/laws\\_rules0907.pdf](http://www.arkansas.gov/dfa/procurement/documents/laws_rules0907.pdf)

6. **Minority/Small/Disadvantaged Business Enterprise preferences:** Minority Business Act established state procurement goal aiming for 10% of its contracts to go to MBEs. Disabled preference - All shall be procured from nonprofit work centers for the disabled when available and at fair market price

- a. **AR Code 15-4-312** → The General Assembly finds it is the policy of the State of Arkansas to support equal opportunity as well as economic development in every sector. The General Assembly recognizes as the purpose of this section and §§ 15-4-311 and 15-4-313 — 15-4-319, to support to the fullest all possible participation of firms owned and controlled by minority persons in state-funded and directed public construction programs and in the purchase of goods and services for the state. The annual procurement goal of ten percent (10%) for state agencies with minority businesses each year is established.
- b. **AR Code 19-11-901.a** → All suitable commodities and services, including small purchases, hereafter procured in accordance with applicable state specifications by or for any state department, institution, or agency shall be procured from nonprofit work centers for the disabled in all cases when such commodities are available within the period specified and at the fair market price for the article or articles so procured.

7. **Cooperative Purchasing**

**National IPA**

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information  
<http://www.nationalipa.org/statutes.html>

**National Joint Powers Alliance (NJPA)**

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

**\*\*\*AR Procurement Code:**

<http://www.dfa.arkansas.gov/offices/procurement/Documents/lawsRegs.pdf>