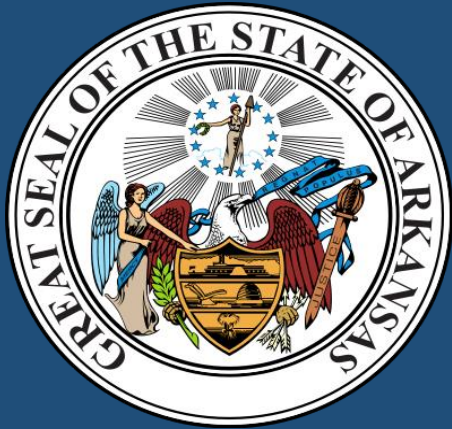


Changes to Procurement Law



May 9, 2019



Changes to Procurement Law

92nd General Assembly Regular Session

Adjourned April 24, 2019

- Act 204
- Act 218
- Act 315
- Act 318
- Act 417
- Act 418
- Act 419
- Act 420
- Act 421
- Act 422
- Act 507
- Act 658
- Act 796
- Act 866
- Act 910
- Act 1019
- Act 1075

Changes to Procurement Law

1. The definition for “Commodities” found in 19-11-203 is amended as follows

(4)(A) “Commodities” means all personal property, including, ~~but not limited to, equipment, printing, stationery, supplies, and insurance, but excluding leases~~ without limitation:

Changes to Procurement Law

- (i) Goods, as defined in § 4-2-105;
- (ii) Leases, as defined in § 4-2A-103; and
- (iii) Insurance.

Changes to Procurement Law

(B) “Commodities does not include:

(i) A lease on real property, ~~real property~~, or a permanent interest in real property, ~~exempt~~;

(ii) Exempt commodities and services, ~~and capital~~; And

(iii) Capital improvements;

Changes to Procurement Law

2. The definition for “Services” found in 19-11-203 is amended as follows:

(27)(A) “Services” means the furnishing of labor, time, or effort by a contractor, ~~not involving the delivery of a specific end product other than reports which are merely incidental to the required performance~~ that does not produce tangible commodities.

Changes to Procurement Law

(B) “Services” includes without limitation:

(i) Consulting services;

(ii) Personal services;

(iii) Professional services;

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(iv) Technical and general services; and

(v) The furnishing of labor, time, or effort by a contractor for the generation, customization, configuration, or development of software and other intangible property other than technical support incidental to the procurement of proprietary software.

Changes to Procurement Law

(C) “Services” ~~shall~~ does not include employment agreements, collective bargaining agreements, exempt commodities and services, or architectural or engineering contracts requiring approval of the Arkansas Building Authority ~~of the Department of Finance and Administration or Division of Higher Education~~ higher education;

Changes to Procurement Law

3. The section on assistants and designees found in 19-11-218 has been increased to add the following requirements regarding delegation orders:

(B) A written delegation order issued under this section shall:

Changes to Procurement Law

- (i) Include an expiration date for the written delegation order;
- (ii) Be publicly posted on the official website of the Office of State Procurement;
- (iii) Remain in effect under the original terms unless the terms of the written delegation order are modified or rescinded in writing by the director;

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(iv) Not be issued for a term that exceeds two (2) years; and

(v) Be narrowly tailored if the written delegation order is based on the type of commodity or service being procured.

Changes to Procurement Law

(C) The director shall maintain records of each written delegation order issued under this section.

(D) A person who is to be given authority under a written delegation order issued under this section shall complete training on state procurement laws, as provided for in this subchapter and in the rules adopted by the director, before the written delegation order is issued.

Changes to Procurement Law

(b) The director shall adopt rules to:

(1) Implement the requirements for written delegation orders under this section; and

(2) Outline the procurement training required under this section.

Changes to Procurement Law

4. The section on Legal Counsel found in 19-11-219 has added contract review:

The Attorney General shall act as counsel for the State Procurement Director in preparation of necessary contracts and in all legal matters.

(b)(1) A contract that the director has designated as requiring review shall be reviewed by a person employed as an attorney with a state agency.

Changes to Procurement Law

(2) The review required under this subsection shall occur before the contract is executed.

(c) The director shall adopt rules to implement this section, including without limitation rules to:

(1) Designate contracts that require review under this section, which may include without limitation contracts that:

Changes to Procurement Law

(A) Exceed a certain dollar amount;

(B) Modify the standard state terms and conditions; and

(C) Are based on other stated criteria; and

Changes to Procurement Law

(2) Identify the requirements for the attorneys who may review contracts under this section, including without limitation:

(A) An attorney employed with the Office of State Procurement, an institution of higher education, or the Office of the Attorney General; and

(B) Any other attorney employed by the state and licensed to practice law in Arkansas

Changes to Procurement Law

5. 19-11-229, Competitive Sealed Bidding, has several changes.

Changes to Procurement Law

Notification:

(d)(1) Notice inviting bids shall be:

(1) Be given not fewer than five (5) calendar days nor more than ~~thirty~~ ninety (90) calendar days preceding the date for the opening of bids by publishing the notice at least one (1) time in at least one (1) newspaper having general circulation in the state or posting by electronic media, but in all instances, adequate notice shall be given; ;

Changes to Procurement Law

Notification:

~~(B) The notice shall also state~~ (4) State the date, time, and place of bid opening; and

(5) State the time, date, and place of the solicitation conference if a solicitation conference is to be held before the opening of bids to provide information to prospective bidders.

Changes to Procurement Law

Clarification of Bid:

(3)(A) The director or an agency procurement official may seek the clarification of a submitted bid.

(B) A written response by a bidder under this subsection shall only clarify the submitted bid and shall not add any substantive language to the submitted bid or change the terms of the submitted bid.

Changes to Procurement Law

Clarification of Bid:

(C) If the bidder fails or refuses to clarify any matter questioned about the bidder's bid in writing by the deadline set by the director or agency procurement official, the bid may be rejected.

(D) If the bidder clarifies the matter questioned under this subsection in writing, the clarification shall be evaluated and become a part of any contract awarded on the basis of the bidder's bid.

Changes to Procurement Law

Negotiations Training:

(C)(i) Negotiations under this subsection shall be conducted by a person who is trained and certified in negotiation and procurement processes.

(ii)(a) The Office of State Procurement shall provide for the training and certification required under this subsection.

(b) The training provided by the office shall be specific to Arkansas law.

Changes to Procurement Law

6. 19-11-230, Competitive sealed proposals, has several changes.

Changes to Procurement Law

Weighting Cost:

(2)(A) Except as provided in subdivision (d)(2)(B) of this section, cost shall be weighted at least thirty percent (30%) of the total evaluation score for a proposal submitted in response to the request for proposals.

Changes to Procurement Law

Weighting Cost:

(B)(i) The State Procurement Director may approve that cost be weighted at a lower percentage of the total evaluation score for a proposal submitted in response to a request for proposals if the director makes a written determination that the lower percentage is in the best interest of the state.

Changes to Procurement Law

Weighting Cost:

(ii) A state agency's failure to obtain the approval of the director under this subsection for a request for proposals with cost weighted at a lower percentage than required under subdivision (d)(2)(A) of this section is grounds for submitting a protest under § 19-11-244.

Changes to Procurement Law

Weighting Cost:

(C) The use of a lower percentage under subdivision (d)(2)(B) of this section and the corresponding written determination by the director shall be submitted to the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, for review before the request for proposals is issued.

Changes to Procurement Law

Offeror's Prior Experience/ Past Performance:

(3) The state's prior experience with an offeror may be considered and scored as part of the offeror's proposal **only**:

(A) To the extent that the request for proposals requests that all offerors provide references; and

(B) If the offeror's **past performance with the state occurred no more than three (3) years before the offeror submitted the proposal.**

Changes to Procurement Law

Offeror's Prior Experience/ Past Performance:

(4) A state agency shall not include prior experience with the state as a mandatory requirement for submitting a proposal under this section.

Changes to Procurement Law

Best and Final Offer:

(C)(i) Before issuing the notice of award of a contract, the director or the agency procurement official may request a best and final offer from each responsible offeror that is reasonably susceptible of being awarded the contract.

Changes to Procurement Law

Best and Final Offer:

(ii) In responding to a request for a best and final offer, an offeror may:

(a) Resubmit the offeror's original proposal with lower pricing or additional benefits, or both, in accordance with the specifications of the request for proposals; or

Changes to Procurement Law

Best and Final Offer:

(b) Submit a written response that states that the offeror's original proposal, including without limitation the pricing, remains unchanged.

(iii) If a best and final offer is requested, the director or the agency procurement official shall evaluate each proposal submitted in response to the request for a best and final offer in determining the proposal that is the most advantageous to the state.

Changes to Procurement Law

Clarification of submitted proposal:

(f)(1) The director or an agency procurement official may seek the clarification of a submitted proposal.

(2) A written response by an offeror under this subsection shall only clarify the submitted proposal and shall not add any substantive language to the submitted proposal or change the terms of the submitted proposal.

Changes to Procurement Law

Clarification of submitted proposal:

(3) If the offeror fails or refuses to clarify any matter questioned about the offeror's proposal in writing by the deadline set by the director or agency procurement official, the proposal may be rejected.

(4) If the offeror clarifies the matter questioned under this subsection in writing, the clarification shall be evaluated and become a part of any contract awarded on the basis of the offeror's proposal.

Changes to Procurement Law

Evaluator tools/ Private evaluators:

(h)(1) The Office of State Procurement shall:

(A) Encourage full discussion by the evaluators who are evaluating proposals submitted in response to a request for proposals under this section; and

Changes to Procurement Law

Evaluator tools/ Private evaluators:

(B) Develop tools and templates to be used in evaluating proposals submitted in response to a request for proposals under this section that optimize the number of material scored attributes and provide for a limited range of possible scores for each attribute.

Changes to Procurement Law

Evaluator tools/ Private evaluators:

(2)(A) A state agency may use one (1) or more private evaluators to evaluate proposals submitted in response to a request for proposals under this section.

(B) A private evaluator used under this subsection shall be:

(i) Held to the same requirements and prohibitions regarding conflicts of interest as state employees;

Changes to Procurement Law

Evaluator tools/ Private evaluators:

(ii) A qualified volunteer, unless the state does not have the necessary expertise to evaluate the proposals, in which case a paid private evaluator may be used; and

(iii) Eligible for travel reimbursement if the state agency decides to make travel reimbursement available.

Changes to Procurement Law

Evaluator tools/ Private evaluators:

(C) The use of a private evaluator is not required.

(D) If a state agency uses one (1) or more private evaluators, the use of a private evaluator shall be disclosed in the procurement file and in any information submitted to the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

Changes to Procurement Law

Rejection of proposal:

~~{g}~~ (i)(1) A competitive sealed proposal may be cancelled or any or all proposals may be rejected in writing by the ~~State Procurement Director~~ director or the agency procurement official.

Changes to Procurement Law

Rejection of proposal:

(2) Before the rejection of a proposal by the director, the decision to reject the proposal may be validated with the evaluation committee that evaluated the proposal.

(3) A proposal may be rejected for failure to adhere to mandatory requirements.

Changes to Procurement Law

7. Additional statutory requirements to obtain an emergency procurement under 19-11-233 are as follows:

(b)(1) A person or state agency that makes an emergency procurement under this section shall:

(A) Receive at least three (3) competitive bids **unless the emergency is a critical emergency**; and

Changes to Procurement Law

(B) Complete a quotation abstract that includes the:

(i) Names of the firms contacted;

(ii) Time that each firm was contacted;

(iii) Quoted price obtained from each contacted firm; and

(iv) Method used for contacting each firm.

Changes to Procurement Law

(2) As used in this subsection, "critical emergency" means an emergency in which human life or health is imminently endangered.

Changes to Procurement Law

8. The length of an original term of a multiyear contract under 19-11-238 has changed:

(c) TERMINATION DUE TO UNAVAILABILITY OF FUNDS IN SUCCEEDING YEARS.

(1) Original terms of such multiyear contracts shall ~~terminate on the last day of the current biennium, and any renewals by the state based upon continuing appropriation shall not exceed the next succeeding biennium~~ not exceed four (4) years.

Changes to Procurement Law

(2) When funds are not appropriated or otherwise made available to support continuation of performance in ~~a subsequent year of a multi-year~~ a multiyear contract, the contract ~~for such subsequent year~~ shall be terminated and the contractor may be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the commodities or services delivered under the contract.

Changes to Procurement Law

9. 19-11-244, Resolution of protested solicitations and awards, has several separate changes.

Time of protest:

(3) The protest shall be submitted in writing within fourteen (14) calendar days after the ~~aggrieved person knows or should have known of the facts giving rise to the grievance~~ award or notice of anticipation to award has been posted.

Changes to Procurement Law

Grounds of Protest:

(4) A protest submitted by an aggrieved person under this section shall:

(A) Be limited to one (1) or more of the following grounds:

Changes to Procurement Law

9. 19-11-244, Resolution of protested solicitations and awards, has several separate changes.

Time of protest:

(3) The protest shall be submitted in writing within fourteen (14) calendar days after the ~~aggrieved person knows or should have known of the facts giving rise to the grievance~~ award or notice of anticipation to award has been posted.

Changes to Procurement Law

Grounds of Protest:

(4) A protest submitted by an aggrieved person under this section shall:

(A) Be limited to one (1) or more of the following grounds:

Changes to Procurement Law

Grounds of Protest:

- (i) The award of the contract exceeded the authority of the director or the procurement agency;
- (ii) The procurement process violated a constitutional, statutory, or regulatory provision;
- (iii) The director or the procurement agency failed to adhere to the rules of the procurement as stated in the solicitation, and the failure to adhere to the rules of the procurement materially affected the contract award;

Changes to Procurement Law

Grounds of Protest:

(iv) The procurement process involved responses that were collusive, submitted in bad faith, or not arrived at independently through open competition; or

(v) The award of the contract resulted from a technical or mathematical error made during the evaluation process; and

(B) State facts that substantiate each ground on which the protest is based.

Changes to Procurement Law

Execution of contract:

(f) In the event of a timely protest under subsection (a) of this section, the state shall not ~~proceed further with the solicitation or with the award of the contract until~~ execute a contract that is the result of the protested solicitation or award unless the director or the head of a the relevant procurement agency makes a written determination that the execution ~~award~~ of the contract without delay is necessary to protect substantial interests of the state.

Changes to Procurement Law

Execution of contract:

Civil action of tortious interference:

(h) An actual or prospective bidder, offeror, or contractor who is aggrieved by a protest submitted under this section that was without merit or intended purely to delay the award of a contract may bring a private cause of action for tortious interference with a business expectancy against the person or entity that submitted the protest.

Changes to Procurement Law

10. 19-11-249, Cooperative purchasing, is amended.

Economic justification:

(2) ~~(A) A cooperative purchasing agreement under this section may include without limitation a joint or multiparty contract between public procurement units and an open-ended state public procurement unit contract that is made available to local public procurement units. A~~
cooperative purchasing agreement is limited to commodities and services for which the public procurement unit may realize **savings or material economic value, or both.**

Changes to Procurement Law

Economic justification:

(B)(i) For cooperative purchasing agreements entered into by a state agency, the State Procurement Director shall consider the **economic justification** for using a cooperative purchasing agreement when granting or withholding approval for the cooperative purchasing agreement.

Changes to Procurement Law

Economic justification:

(ii) The State Procurement Director shall adopt rules to create a review policy outlining how the economic justification required under this section may be demonstrated, including without limitation a comparison of:

Changes to Procurement Law

Economic justification:

(a) Current state contract pricing and the pricing under a cooperative purchasing agreement; or

(b) Information obtained from a request for information and pricing under a cooperative purchasing agreement.

Changes to Procurement Law

Approval by Governor:

(C) The State Procurement Director and the Director of the Department of Finance and Administration shall submit any request for the Office of State Procurement or the Department of Finance and Administration, respectively, to participate in a cooperative purchasing agreement to the Governor for approval.

Changes to Procurement Law

Reporting:

(b)(1)(A) The State Procurement Director shall present a~~quarterly~~ an **annual** report of all purchases made under cooperative purchasing agreements by a state agency without an agency procurement official under this section to the Legislative Council or, if the General Assembly is in session, to the Joint Budget Committee.

Changes to Procurement Law

Reporting:

(B) A state agency that has an agency procurement official shall present an annual report of all purchases made under cooperative purchasing agreements under this section to the Legislative Council or, if the General Assembly is in session, to the Joint Budget Committee.

Changes to Procurement Law

11. Submission of contracts required under 19-11-265 has several separate changes.

Review Threshold:

Changes to Procurement Law

Review Threshold:

(a)(1) Except for critical emergency procurements and as otherwise provided in this section, a contract requiring the services of one (1) or more individuals for regular full-time or part-time weekly work persons shall be presented to the Legislative Council or, if the General Assembly is in session, to the Joint Budget Committee, ~~before the execution of the contract~~ if the annual contract amount is at least fifty thousand dollars (\$50,000) in any one (1) contract year or if the total initial contract amount or the total projected contract amount, including any amendments or possible extensions, is at least one hundred thousand dollars (\$100,000) three hundred fifty thousand dollars (\$350,000).

Changes to Procurement Law

Renewal or extension:

(4)(A)(i) A contract that does not have a **material change** upon renewal or extension shall be included in the monthly report required under § 19-11-273 instead of being submitted to the Legislative Council or the Joint Budget Committee for review under this subsection.

(ii) As used in this subdivision (a)(4), "material change" includes without limitation:

Changes to Procurement Law

Renewal or extension:

- (a) An **increase** in the contract amount;
- (b) An **increase** in the total projected contract amount;
- (c) A change in any of the **essential terms** of the contract;
- (d) A change in any **performance-based standards** stated in the contract;

Changes to Procurement Law

Renewal or extension:

(e) The imposition of financial consequences as the result of a **failure to satisfy** performance-based standards under § 19-10 11-267 during the year preceding the renewal or extension of the contract; and

Changes to Procurement Law

Renewal or extension:

(f) The **submission of a vendor performance report** during the year preceding the renewal or extension of the contract.

(B) However, a state agency may elect to submit a contract for review under this subsection if the state agency is uncertain whether the contract has a material change.

Changes to Procurement Law

Cover sheet:

(5) A contract that is submitted for review under this subsection and that has a total projected contract amount of at least three hundred fifty thousand dollars (\$350,000) shall have a cover sheet that provides the following information:

Changes to Procurement Law

Cover sheet:

(A) A description of the services being procured;

(B) A description of the procurement process followed, including without limitation the method used for the procurement; and

(C) The outcome of any protests.

Changes to Procurement Law

12. Development and use of performance-based contracts under 19-11-267 has been amended.

Threshold:

(b)(1) A state agency, board, commission, or institution of higher education that enters into a contract under this subchapter to procure services that has a contract amount of at least one million dollars (\$1,000,000) in a single contract year or a total projected contract amount, including any amendments to or possible extensions of the contract, of at least seven million dollars (\$7,000,000) shall use performance-based standards in the contract that are specifically tailored to the services being provided under the contract.

Changes to Procurement Law

Monitoring vendor performance:

(c) ~~(1)~~ A state agency, board, commission, or institution of higher education that enters into a contract with performance-based standards:

(1)(A) Shall monitor the vendor's performance and adherence to the performance-based standards in the contract.

Changes to Procurement Law

Monitoring vendor performance:

(B) For state contracts, the Office of State Procurement shall be the state agency that monitors each vendor's performance under this subdivision (c)(1); and

(2) May impose financial consequences, as identified in the contract, on a vendor that is party to a contract with performance-based standards for failure to satisfy the performance-based standards, including without limitation withholding payment or pursuing liquidated damages to the extent allowed by law.

Changes to Procurement Law

13. Vendor performance reporting under 19-11-268, has been amended.

Performance-based standards:

(a)(1) A state agency shall report a vendor's performance under a contract executed under this ~~subchapter that has a total initial contract amount or total projected contract amount, including any amendments to or possible extensions of the contract, of at least twenty-five thousand dollars (\$25,000)~~ chapter if the vendor **fails to satisfy** the performance-based standards in the contract in a manner that represents a **material deviation**.

Changes to Procurement Law

VPR's required:

(b) The report required under this section shall be:

~~(1) Completed and submitted:~~

~~(A) At least one (1) time every three (3) months for the entire term of the contract; and~~

~~(B) At the end of the contract;~~

~~(2) Filed with the Office of State Procurement and maintained for a minimum of three (3) years from the termination of the relevant contract, including any extensions and amendments; and~~

Changes to Procurement Law

VPR's required:

(~~3~~2) Signed by the director of the state agency or his or her designee; and

(3) Filed **monthly** until the vendor has performed **satisfactorily** under the contract for a period of at least ninety **(90)** consecutive days.

Changes to Procurement Law

VPR's required:

(c) A state agency may report a vendor's performance in the manner prescribed under this section for any contract that would not require reporting of a vendor's performance under this section if the state agency encounters an issue with the vendor's performance of a contract.

(d) A state agency may use a vendor performance report submitted under this section to evaluate an offeror to the extent that the past performance of an offeror may be considered under the law and the rules adopted by the office.

Changes to Procurement Law

There are several statutes that have not yet been reconciled with numbering that are currently listed as 19-11-273 through 19-11-276.

Changes to Procurement Law

14. 19-11-273*, Reporting requirements, has been enacted as follows:

19-11-273. Reporting requirements.

(a) The State Procurement Director shall compile a monthly report of all executed contracts for services that have a total initial contract amount or a total projected contract amount, including any amendments or possible extensions, of at least twenty-five thousand dollars (\$25,000) but less than an annual contract amount of fifty thousand dollars (\$50,000) in any one (1) contract year or a total projected contract amount, including any amendments or possible extensions, of three hundred fifty thousand dollars (\$350,000).

Changes to Procurement Law

Reporting requirements.

(b) A contract that is procured by a state agency that has a state agency procurement official or procurement authority under a delegation order is subject to the reporting requirements under this section.

(c) The State Procurement Director shall adopt rules to:

Changes to Procurement Law

Reporting requirements.

- (1) Prescribe a cover sheet for the report required under this section that sorts and identifies contracts within the report that may be candidates for review;
- (2) Create instructions for completing the cover sheet prescribed under subdivision (c)(1) of this section; and

Changes to Procurement Law

Reporting requirements.

(3) Provide for the identification of any contracts included in the report that may need to be reviewed under § 19-11-265.

(d) It is a violation of state procurement laws, Arkansas Code Title 19, Chapter 11, for a state agency official to procure services in an incremental or split purchase arrangement to avoid the reporting requirements of this section.

Changes to Procurement Law

15. 19-11-274*, Tracking Requirements, has been enacted as follows:

Tracking requirements.

(a) The State Procurement Director, each agency procurement official, and any state agency with procurement authority under a delegation order shall track the following for the procurements they conduct and the contracts they execute:

Changes to Procurement Law

Tracking requirements.

(1) Each protest received and the resolution of the protest;

(2) The outcome of any negotiations under this chapter; and

(3) The anticipated procurement needs of the state agency based on the contracts that:

Changes to Procurement Law

Tracking requirements.

(A) Are set to expire during the next twelve (12) months; and

(B) Will require a new solicitation in the next twelve (12) months.

(b) Each agency procurement official and each state agency with procurement authority under a delegation order shall report the information obtained under subsection (a) of this section to the Office of State Procurement.

Changes to Procurement Law

16. 19-11-273*, Compliance, has been enacted as follows:

Compliance.

(a) A contractor shall ensure, in cooperation with a state agency, that the contract between the contractor and the state agency adheres to the requirements of this chapter, including without limitation the inclusion of any mandatory language and the submission of the contract for any required review.

(b) The signature of a contractor on a contract with a state agency serves as an acknowledgement that the contractor is:

Changes to Procurement Law

Compliance.

(1) Equally responsible with the state agency for adhering to the requirements of this chapter related to the content and review of the contract; and

(2) Subject to the relevant ethical provisions of § 19-11-701 et seq.

Changes to Procurement Law

17. 19-11-273*, Solicitation conferences, has been enacted as follows:

Solicitation conferences.

(a)(1) A state agency **may hold** a solicitation conference before or after issuing an invitation for bids, a request for proposals, or a request for statements of qualifications and performance data under § 19-11-801 et seq.

(2) A solicitation conference may be held:

(A) In person; or

(B) Online or in another virtual format.

Changes to Procurement Law

Solicitation conferences.

(b) Attendance by a vendor at a solicitation conference is not required for that vendor's bid, proposal, or statement of qualifications and performance data to be accepted unless the attendance requirement is:

Changes to Procurement Law

Solicitation conferences.

(1) Explicitly stated in the invitation for bids, request for proposals, or request for statements of qualifications and performance data; and

(2) Approved by the State Procurement Director or the head of the procurement agency.

(c) A state agency holding a solicitation conference shall:

Changes to Procurement Law

Solicitation conferences.

(1) For an invitation for bids or a request for proposals, include the date and time of the solicitation conference in the notice required under § 19-11-229;

(2) Require vendors in attendance at a solicitation conference to sign in at the solicitation conference or provide a registration record for an online or other virtual solicitation conference, regardless of whether attendance is required under the solicitation; and

(3) Maintain the sign-in sheet or registration records with the other documents related to the solicitation.

Changes to Procurement Law

Solicitation conferences.

(d) A statement made at a solicitation conference does not change the invitation for bids, request for proposals, or request for statements of qualifications and performance data unless a change is made by written amendment to the invitation for bids, request for proposals, or request for statements of qualifications and performance data.

Changes to Procurement Law

Solicitation conferences.

(e) A state agency is encouraged to hold a solicitation conference for a procurement that:

(1) Has a contract amount of at least:

(A) Five million dollars (\$5,000,000) for a single contract year; or

Changes to Procurement Law

Solicitation conferences.

(B) Thirty-five million dollars (\$35,000,000) for the total anticipated term of the contract, including any extensions, based on the previous contract for the same commodities or services or, if a previous contract is not available, a contract for similar commodities or services; or

(2) Is of strategic importance to the state.

Changes to Procurement Law

18. 19-11-273*, Procurements for services in designated positions and designated financial and information technology positions, has been enacted as follows:

Procurements for services in designated positions and designated financial and information technology positions.

Changes to Procurement Law

Procurements for services in designated positions and designated financial and information technology positions.

A contract for services with a person employed or entity employing persons in a designated position or designated financial or information technology position as defined in § 21-15-101 shall require compliance with the registry records check and criminal history records check laws under § 21-15-101 et seq.

Changes to Procurement Law

**19. Annual statements of qualifications and performance data —
Restrictions on competitive bidding under 19-11-802 has been amended to
include requests for qualifications:**

(e)(1) A request for statements of qualifications and performance data under this section may be used for certain procurements through a request for qualifications other than legal, architectural, engineering, construction management, land surveying, and interior design services if the:

Changes to Procurement Law

(A) **State Procurement Director approves** the use of a request for qualifications and determines that it is the most suitable method of procurement; and

(B) **Approval** of the director under subdivision (e)(1)(A) of this section is **submitted to the Legislative Council for review.**

Changes to Procurement Law

(2) In determining whether a request for qualifications under this subsection is the most suitable method of procurement, the director shall consider, based on information submitted by the requesting state agency:

(A) **Why** the request for qualifications is the **most suitable method** of procurement;

Changes to Procurement Law

(B) **Why cost should not be considered** in the procurement; and

(C) **How the cost of the contract will be controlled** if cost is not a factor in the procurement.

Changes to Procurement Law

Quick Takeaways:

Cooperative contracts to be scrutinized more closely

ALC Review distinctions between PCS \$50k/TGS \$100k gone

VPRs have gone negative

Changes to Procurement Law

Quick Takeaways:

Attorney review of designated contracts required

RFPs – cost shall be weighted at 30%, BAFO allowed

Training

Changes to Procurement Law

GENERAL PROCEDURES FOR ADOPTING OR CHANGING A RULE

1. Draft the proposed rule.
2. Submit proposed rules to the Governor for approval.

Changes to Procurement Law

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3. File the proposed rule with Legislative Council at least thirty (30) days before the end of the public comment period. With the filing, include the following:

Changes to Procurement Law

GENERAL PROCEDURES FOR ADOPTING OR CHANGING A RULE

- A. A completed questionnaire;
- B. A financial impact statement;
- C. A summary of the proposed rule; and
- D. The proposed rule and any markup to the proposed rule

Changes to Procurement Law

GENERAL PROCEDURES FOR ADOPTING OR CHANGING A RULE

4. The proposed rule, the public notice, and the financial impact statement must be filed with the Secretary of State.
5. The proposed rule and the financial impact statement must be filed with the Arkansas State Library.
6. Begin the public comment period by publishing public notice.

Changes to Procurement Law

GENERAL PROCEDURES FOR ADOPTING OR CHANGING A RULE

7. Interested persons must be given reasonable opportunity to submit written data, views or arguments orally or in writing.
8. Have rule placed on the Legislative Council Rules Subcommittee's agenda.
9. File the adopted final rule with the Secretary of State and Arkansas State Library.

Procurement Updates

Office of State Procurement

E-News

Procurement

The mission of the Office of State Procurement is to serve the citizens of Arkansas by obtaining, efficiently and transparently, providing quality, cost-effective and services for the State of Arkansas.

The Office of State Procurement (OSP) has primary responsibility, and oversight for the State's procurement of commodities, technical and professional services for all state agencies, boards and commissions and [Procure Now](#) >>>



News

- Deadline for PCSI and TOS contract extended for October 04 (2 review is October 11, 2016), 09/27/2016
- Updated Contract Administration Best Practices Guide, 09/20/2016
- Updated Open Source Acquisition Form and Instructions, 09/09/2016
- Updated Procurement Regulations, 09/01/2016

[All News >>>](#)

Calendar

There are currently no calendar items for this office.

[Full Calendar >>>](#)

Office Contact Info

Office	Address	Phone/Fax
Professional Consultant Services (PCS)	OSP's Building 1900 W. Van Buren Little Rock, AR 72201	P: 501-462-2247 F: 501-462-4030
Working and Requisition	OSP's Building 1900 W. Van Buren Little Rock, AR 72201	P: 501-462-2247 F: 501-462-4030

- Get 2017 updates
- ARFMS Instructions
- OSP Opportunities
- OSP Policy Procedures
- Competition Process Request
- OSAP Cards
- Procurement Plans and Reporting
- Letter, Rules and Guidelines
- Procurement Request Information
- Procurement Training
- Professional Consultant Services (PCS)
- Purchasing Division
- Service Review Guide
- Marketing and Requisition (State Symbols)
- State Contracts
- Technical and General Services (TGS)
- Travel Portal
- Vendor Information
- Vendor Performance Report (VPR)



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Marketplace Overview





for Arkansas State Government

- Free 2-Day Shipping on Qualifying Orders
- Price Savings
- Transparent Marketplace
- Enhanced & Customizable Analytics Reporting
- Business-pricing and quantity discounts on select items
- Dedicated Customer Service

Agency Control

- Account Management
 - Each agency assigns an Administrator
 - Each agency manages its own account
- Administrators:
 - Add and Delete Users (administrators, requisitioners, approvers)
 - Enable Shared Settings (designated payment methods & shipping addresses for buyers to use)
 - Set up workflow approvals
 - View and Track Orders
 - Create Custom Reports (business analytics tool allows users to create & customize reports templates)

Agency Benefits

- Improved oversight of the purchasing process.
- Administrators can define approval processes.
- Users can track orders.
- Tools for better control and visibility into agency spending.

Payment Methods

- ***P-Card***

- Quick and easy payment for small orders
 - Agency P-Card limits apply

- ***Pay by Invoice***

- Purchase Orders can be referenced on Amazon orders
 - Budget validation occurs with creation of purchase orders
 - Larger purchases possible with POs

Tax Exempt Purchases

- Purchases for resale can be made tax free.
- Resale operations are set up in separate account groups.
- Agency account administrators coordinate setup with OSP.

www.amazon.com

← →

https://www.amazon.com/?ref_=nav_ya_signin&

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Amazon Business

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LexisNexis® Custom Solu... PCS-TGS-VPR Portals OSP DFA EASE Login Arkansas Secretary of State Arkansas.gov SharePoint - OLD IRS OIS Service Portal NTFP - Information From ...

amazonbusiness

All Enter keyword or product number

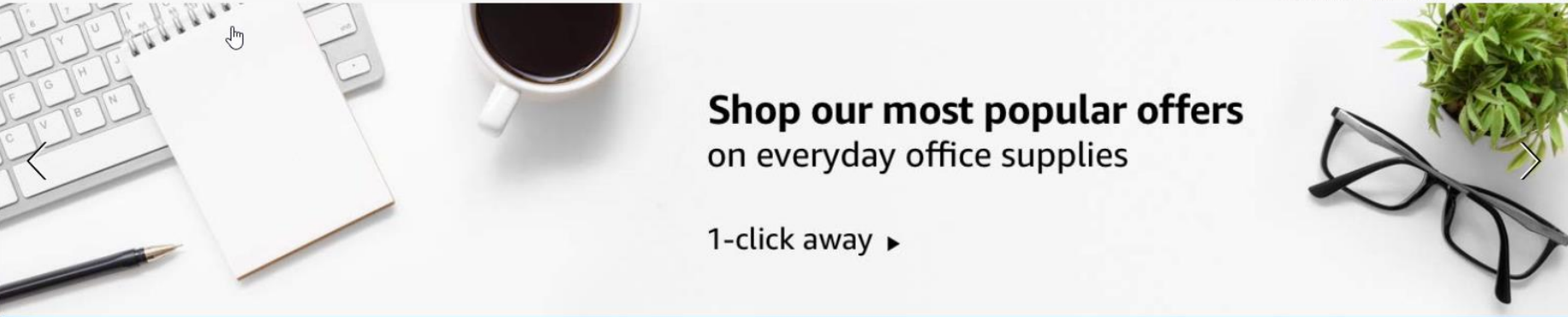
Discover Business Pricing

Deliver to Little Rock 72223

Departments

Browsing History Today's Deals Gift Cards Manage Team Help Sell

EN Hello, Paul Account for State_of_... Lists



Shop our most popular offers
on everyday office supplies

1-click away ▶

Awaiting delivery
14 orders

Next delivery
September 21

Spent in September
\$5.10k

Top expense in September
\$2.94k in Book


Pay by Invoice
Apply now for a purchasing line

Learn more

Featured General Business Categories


Office Products

Office Supplies
Paper
Printers & Ink
Shipping Supplies
Writing Supplies
Shop All




Electronics & Computers

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Networking
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 Save on cleaning
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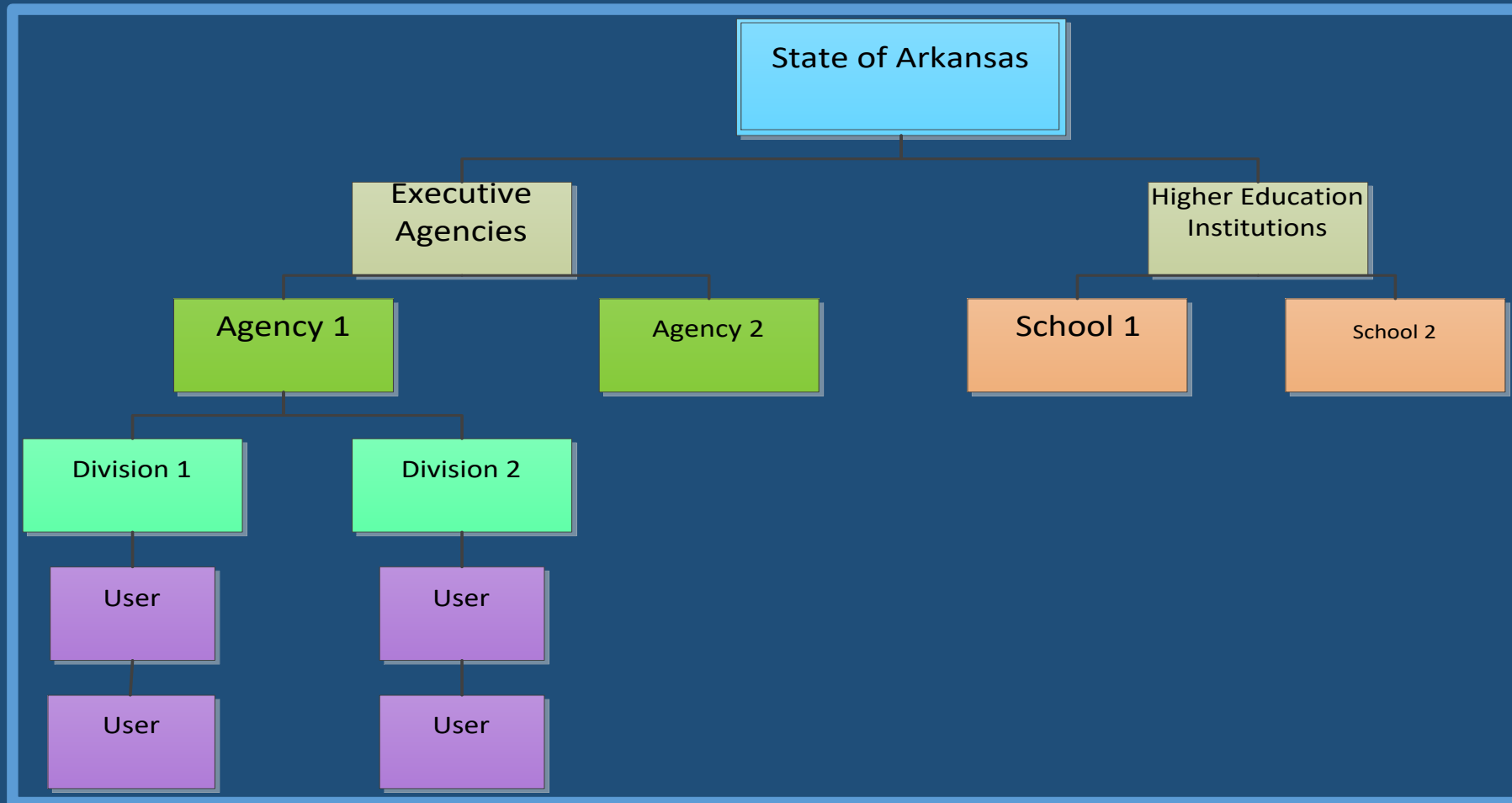


Shop now

Ad feedback



Arkansas account organization



How to get started

- Identify an Administrator for your agency
- Contact Darlene Hicks at DFA-OSP
 - Phone: (501) 371-1405 e-mail: darlene.hicks@dfa.arkansas.gov
 - Discuss agencies needs
 - Setup agency structure
 - Identify users
 - Setup training for administrators & requisitioners

Questions?



Year End Instructions

Susan Banasiewicz
Aasis Service Center
sue.banasiewicz@dfa.arkansas.gov

Fiscal Year-End Deadlines

All agencies must clean up purchasing documents before year-end to properly reflect their procurement spend for FY 2019 by closing:

- Unwanted Purchase Orders (POs)
- Held and Blocked POs
- Prior year Purchase Requisitions (PRs)
- Held PRs
- Open Funds Reservations
- PO lines with discontinued account assignments

- AASIS Service Center (ASC) will carry forward open commitments with sufficient budget and/or appropriation to cover the commitment

NOTE: POs and commitments carried forward into FY 2020 **must** pass a FY 2020 budget validation or they will be reversed and closed during Fiscal Year end processing

Exclusions from carry forward:

- No held or blocked POs will be carried forward to FY 2020.
- While they are 45 day eligible, no POs created prior to FY 2019 will be carried forward, even if line items were added in FY 2019.
- POs created in FY 2019 will be carried forward only if sufficient budget and/or appropriation exists in FY 2020 to support the entire document.

- Goods Receipt (MIGO) transaction must not be keyed unless goods or services have actually been received.
- An Invoice Receipt (MIRO) transaction must not be keyed unless invoice has actually been received.

Agency Responsibilities

- Clear by posting or deleting all parked, saved as complete, held or blocked documents and invoices prior to June 28, 2019.
- **Any documents remaining in parked status on June 28, 2019 prior to the start of the final payment run will be deleted by DFA – Office of Accounting.**

Agency Responsibilities

- GR/IR items should be reviewed. Any old items should be researched and processed to completion through an invoice receipt or through the reversal of receipts (if paid in another manner), etc. This activity should be completed early in June 2019.
- If you have done a Goods Receipt but paid via Direct Invoice, contact your CAFR liaison to do a separate transaction.
- Document this within your PO

POs with Assets

- **PO's with Assets will not carry forward if:**
- PO was created prior to current fiscal year and already carried forward once
- Any line in PO includes dying fund or funds center
- Any line in PO exceeds budget after all transfers exhausted
- Only line on PO contains Asset for which GR entered then cancelled

POs with Assets

- **Current Fiscal Year PO's with Assets WILL carry forward if:**
- No line items include dying funds/funds centers
- No line items exceed budget after all transfers exhausted

End of Year calendar

- **Friday, June 28**
- DFA personnel will be conducting year end related activities during this time period. Agency personnel will be locked out of the AASIS system.

End of Year calendar

- **Friday, July 5**
- AASIS Service Center opens FY2020 period 1 for posting
- AASIS Service Center unlocks user roles by 7:00 AM to begin normal operations.

ZOPENREQ OPEN PRs

Open Purchase Requisitions

Open Purchase Requisitions

Purchase requisition	<input type="text"/>	to	<input type="text"/>	<input type="button" value="Right Arrow"/>
Purchasing group	<input type="text"/>	to	<input type="text"/>	<input type="button" value="Right Arrow"/>
Material	<input type="text"/>	to	<input type="text"/>	<input type="button" value="Right Arrow"/>
Material group	<input type="text"/>	to	<input type="text"/>	<input type="button" value="Right Arrow"/>
Requirement tracking number	<input type="text"/>			

Open Purchase Requisitions

General selections

Max. no. of hits

☒ Open only

☐ Released only

☐ Assigned, open, and released

Program selections	
Name of Requisitioner	
Requisition Date	
Requisition Item Number	
Requisition Document type	
Purchase Requisition Closed	
Purchasing Organization	0710

Open Purchase Requisitions

Open Purchase Requisitions

OPEN REQUISITIONS
Arkansas Administrative Statewide Information System
Program:ZOPENREQ
System:PRD
Date:04/11/2014
Client:100
Time:15:01:20

Purch Req Nbr	Item	Purch group	Requisitioner	Purch org	Tracking Number	Acct assign cat	Plant	Quantity requested	unit of measure
1000641109	2	314	E Cogbill	0610	2014	F	9999	12.000	MON
1000646359	1	314	E Cogbill	0610	2014	F	9999	240,000.000	EA
1000649877	1	C31	OSP	0610	SP-12-0174	F	9999	10.000	ZR5
1000649877	2	C31	OSP	0610	SP-12-0174	F	9999	10.000	ZR5
1000649877	3	C31	OSP	0610	SP-12-0174	F	9999	2.000	ZR5
1000649877	4	C31	OSP	0610	SP-12-0174	F	9999	2.000	ZR5
1000649877	5	C31	OSP	0610	SP-12-0174	F	9999	24.000	EA
1000650801	1	C31	ZFELTS	0610	OSP	F	9999	1.000	EA

MB5S GR/IR BALANCES

Program Edit Goto System Help

List of GR/IR Balances

Database selections

Vendor

Purch. Organization 0610

Purchasing Group

Material

Purchasing Document

Item

☒ Final delivery items also

Display options

Layout

☐ Cleared items too

List of GR/IR Balances

P0rg	PGr	Vendor	Purch.Doc.	Item	Fr. vendor	CTyp	Quantity Received	Quantity invoiced	OUn	GR value	Invoice amount	LC	Crcy
0610	314	100005703											
4501428308	1					0 EA	1			4,198.68	0.00	USD	
4501428308	2					0 EA	1			771.72	0.00	USD	
4501428308	3					0 EA	1			117.72	0.00	USD	
0610	314	100039043											
4501403248	1					0 EA	1			6,881.13	0.00	USD	
4501433536	2					0 EA	2			1,041.69	0.00	USD	
0610	314	100078595											
4501432845	1					0 EA	1			110.14	0.00	USD	
0610	314	600002294											
4501402420	1					0 EA	15			245.25	0.00	USD	
0610	314	9904800004											
4501430876	1					0 EA	3			14.72	0.00	USD	
0610	314	9906100008											
4501426499	1					0 EA	1			81.75	0.00	USD	
0610	317	100001628											
4501369957	2					1 EA	2			115.76	57.88	USD	

ZPO_OPEN_INV PO WITH OPEN INVOICES

Program Edit Goto System Help

Goods Receipts that have not been invoiced.

Selection Criteria to be used for processing.

Purch. Organization 0610 to

Purchasing Document

Material

Cost Center

Vendor

Asset

Subnumber

Order

WBS Element

Fund

Funds Center

Commitment Item

G/L Account

Req. Tracking Number

Requisitioner

Posting Date

Delivery Complete Only

Final Invoice Only Yes

Goods Receipts that have not been invoiced.

Purchase Orders with Open Invoices

Purch.Doc.	Item	Material Doc.	Item	Posting Date	Quantity	Amount	POrg	Cost Center	Order
4500016...	40	5000044296	1	11/21/2001	5.000-	62.80-	0610	999998	
		5000152430	1	06/27/2002	5.000	62.80	0610	999998	
	50	5000049449	1	12/05/2001	1.000-	44.69-	0610	999998	
		5000152430	2	06/27/2002	1.000	44.69	0610	999998	
4500029718	10	5000045696	1	11/27/2001	2.000-	41.62-	0610	383241	
		5000046517	1	11/28/2001	198.000-	4,119.64-	0610	383241	
		5000152496	1	06/27/2002	200.000	4,092.49	0610	383241	
4500030606		5000040186	1	11/09/2001	10.000-	2.13-	0610	383230	
		5000060102	1	01/03/2002	10.000	2.13	0610	383230	
	30	5000040186	2	11/09/2001	20.000-	8.74-	0610	383230	
		5000060102	3	01/03/2002	20.000	8.74	0610	383230	

ZPO_PARTGR_IR - PO PARTIALLY REC'D AND/OR INVOICED

Field	Value
Purch. Organization	0610
Purchasing Document	
Document Date	
Vendor #	
Material	
G/L account	
Cost Center	
WBS	
Asset number	
Asset sub-number	
Order	
Fund	
Funds Center	
Functional Area	
Commitment Item	
Class	
Scenario	
Earmark funds	
Deletion Ind.	
Delivery Completed	
Final Invoice	
Purch. req.	
Requisition item	

☐ Purchase Order Detail List.
 ☒ Check Dying Fund/FC

Purchase Orders That Have Been Pa				
<div> <input type="text"/> </div>				
Purchase Orders That Have Been Pa				
<div> </div>				
POrg	Purchasing Doc.	Item	Fund	Funds Cen
0...	4500650103	10	HSC6101	272
0610	4500650103	20	HSC6101	272
0610	4500206939	10	HSC6101	272
0610	4500463542	10	HSC6101	272
0610	4500463542	20	HSC6101	272
0610	4500463542	30	HSC6101	272
0610	4500528825	10	HSC6101	272
0610	4500528825	20	HSC6101	272
0610	4500528825	30	HSC6101	272
0610	4500528825	40	HSC6101	272
0610	4500528825	50	HSC6101	272
0610	4500528825	60	HSC6101	272
0610	4500528825	70	HSC6101	272
0610	4500528825	80	HSC6101	272
0610	4500207142	10	HSC6101	279
0610	4500207142	20	HSC6101	279
0610	4500207142	30	HSC6101	279
0610	4500522976	10	HSC6102	279

ME52N CLOSE OR DELETE PR

Purchase Requisition Edit Environment System Help

Change Purchase Req. 1000609606

Document Overview On | Personal Setting

Req to Prof Svc PO 1000609606 ☐ Source Determination

Header

St...	Item	A	I	Material	Short Text	Quantity	Unit	C	Delivery Da...
	1	F		10122597	FEE, COMPENSATION, TE...	1.00	ZLS	D	09/05/2012

Item [1] 10122597 , FEE, COMPENSATION, TECH...

Material Data Quantities/Dates Valuation Account Assignment Source of Supply

Quantity	1.00	ZLS	Delivery Date	D 09/05/2012
Quantity Ordered	0.00	ZLS	Request date	09/05/2012
Open quantity	1.00	ZLS	Release Date	09/05/2012
<input type="checkbox"/> Closed			Pl. Deliv. Time	
			GR Proc. Time	

ME22N CLOSE PO

Purchase Order Edit Goto Environment System Help

Standard PO 4501267000 Created by DEBRA L. WEHAGEN

Document Overview On Print Preview Messages Personal Setting

Standard PO 4501267000 Vendor 100037907 BEST PARK LLC Doc. date 07/15/2013

S...	Item	A	Material	Short Text	PO Quantity	O...	Deliv. Date	Net Price	Reqmt No.
	1	K	10106852	RENTAL,PARKING SPACE	6MO		07/16/2012	119.36	0245
	2	K	10106852	RENTAL,PARKING SPACE	1MO		01/17/2013	69.68	0245
	3	K	10106852	RENTAL,PARKING SPACE	6MO		06/30/2013	179.04	0245

Default Values Add Planning

Item [1] 10106852 , RENTAL,PARKING SPACE

Material Data Quantities/Weights Delivery Schedule Delivery Invoice Conditions Account Assign

Overdeliv. Tol. 5.0 %
Underdeliv. Tol. 5.0 % ☐ Origin Accept.

☒ Goods Receipt
☐ GR Non-Valuated
☐ Deliv. Compl.

Pl. Deliv. Time
Incoterms

Material Short Text PO Quantity O... Deliv. Date Net Price R

10106852	RENTAL,PARKING SPACE	6MO	07/16/2012	119.36	0
10106852	RENTAL,PARKING SPACE	1MO	01/17/2013	69.68	0
10106852	RENTAL,PARKING SPACE	6MO	06/30/2013	179.04	0

Default Values Add Planning

Item [1] 10106852 , RENTAL,PARKING SPACE

Material Data Quantities/Weights Delivery Schedule Delivery Invoice Conditions A

☒ Inv. Receipt Invoicing Plan Tax code PO Taxes
☐ Final Invoice Jurisd. Code 0411903201
☒ GR-Bsd IV

Additional Transactions used for yearend cleanup:

- Outline agreements (OA) must be output in ME9K
- OA must have current validity dates in order to close outstanding POs – ME32K

Additional Transactions used for yearend cleanup:

- Revert validity end date if needed
- An OA with a current validity date will appear on the transparency website
- Contact OSP to edit statewide contract

Additional Transactions used for yearend cleanup:

- **View Budget and Commitments**
- Budget report - Y_BCS_800000046
- The Open Commitment Item report – ZCMT

What Reports Can You Run To View Your Open/Held Purchase Requisitions?

- List Display Of PRs – Transaction ME5A
- List Display Of Open PRs – Transaction ZOPENREQ

What Reports Can You Run To View Your Open/Held/Blocked POs?

- Display List Of GR/IR Balances - Transaction MB5S
- Purchasing Document Per Document Number - Transaction ME2N
- Purchasing Documents Per Account Assignment - ME2K

What Reports Can You Run To View Outline Agreements and their Release POs

Purchasing Document Per Document Number - Transaction ME2N

What Reports Can You Run To View Expiring Outline Agreements

Contract Expiration Report – ZMM19

POs With An Open Invoice – Transaction ZPO_OPEN_INV

POs That Have Been Partially Received and/or Invoiced -
ZPO_PARTGR_IR

What Reports Can You Run to Find Invoicing Errors?

Vendor Line Item Display Report – Transaction FBL1N

PO Vendor Payment Report – ZPOVP

Reports to Find Open AP Documents committing budget in error?

- Open Commitment Report – ZCMT
- Display Parked Document Report – FBV3
- Parked Vendor Invoices – ZFI_PARKHELD_RPT

Reports to Find Open AP Documents committing budget in error?

- Open Item AP Report – ZOPENITEMAP
- The Actual Budget Report – Y_BCS_80000046
- Change PR – ME52N
- Change PO – ME22N

Reports to Find Open AP Documents committing budget in error?

- Post Parked Invoice Documents – FBV0
- Change Parked Document – FBV2
- Reversing Posted/Unpaid Direct Vendor Invoice Or Direct Vendor Credit Memo – FB08

Reports to Find Open AP Documents committing budget in error?

- Reversing Posted Unpaid Logistics Vendor Invoice Or Logistics Vendor Credit Memo – MR8M
- Clearing Vendor Open Items For Logistics Invoice –F-44

Reports to Find Open AP Documents committing budget in error?

- Change Unpaid Logistics or Direct Vendor Invoice or Credit Memo – FB02
- View Vendor Status, i.e. Blocked/Deleted - XK03

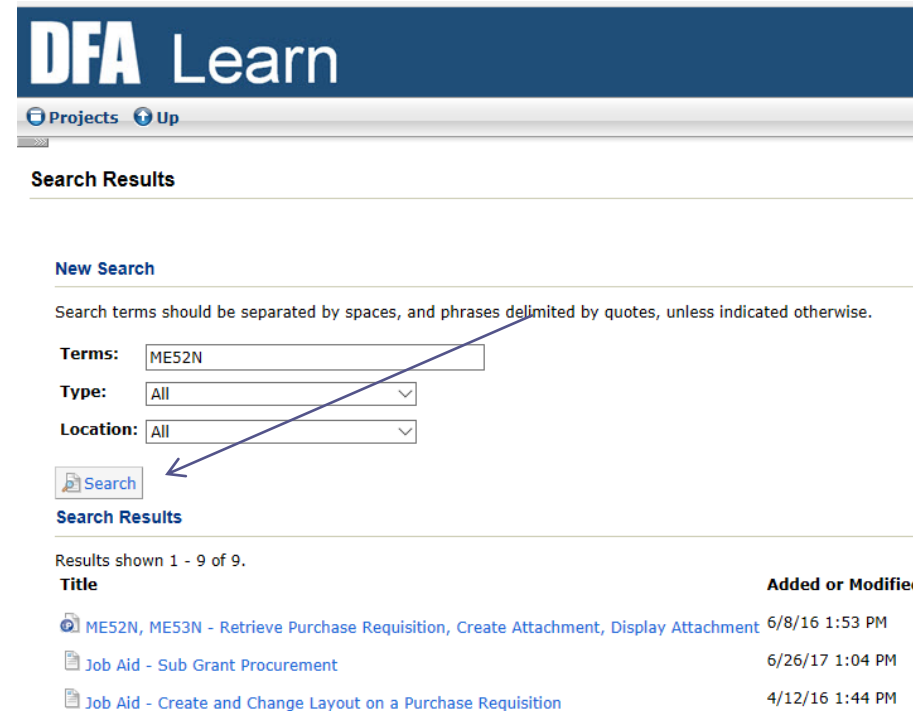
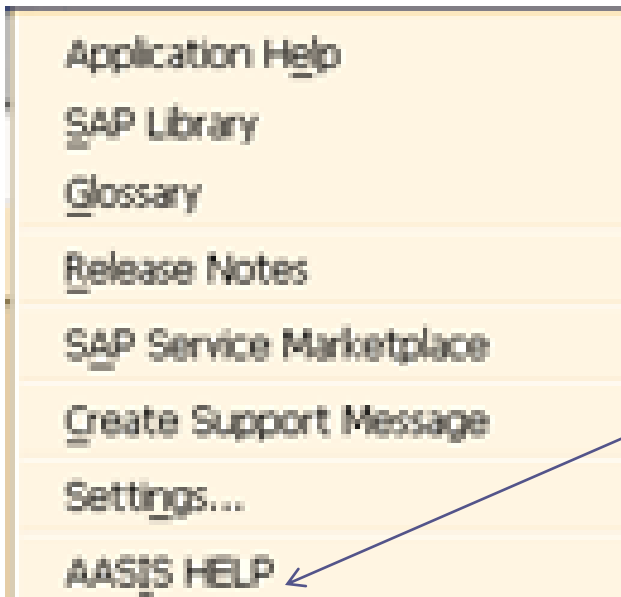
Transaction Help

Click “Help”

Select “AASIS HELP”

Enter a transaction number (e.g. ME52N) in the “Terms” field

Click “Search”



Points of Contact

- For AASIS training documents go to:
 - <https://EASE.Arkansas.Gov>
 - Go to Learning tile

Points of Contact

- If you have any questions regarding AASIS transactions, please call the AASIS help desk at **(501)683-2255** or log a help desk ticket.

Summing up

- Close held and prior year PRs
- Select Final Invoice and Delivery Complete indicators on POs

Summing up

And Always Remember

- Always borrow money from a pessimist. He won't expect it back.
- Everyone brings joy to the office. Some when they arrive and some when they leave.
- Above all, be the Heroine of Your Life, Not the Victim.

Procurement Updates

Office of State Procurement E-News

Procurement

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[Updated Procurement Regulations, 08/21/2016](#)

[All News >>](#)

Calendar

There are currently no calendar items for this office.

[Full Calendar >>](#)

Office Contact Info

Office	Address	Phone/Fax
Professional Consultant Services (PCS)	OSP's Building 1900 W. Van Ness, Ste 100 Little Rock, AR 72201	P: 501-462-2247 F: 501-462-4030
Working and Distribution	5001 Young Road Little Rock, AR 72205	P: 501-424-4016 F: 501-424-4011
		P: 501-462-4040 F: 501-462-4030

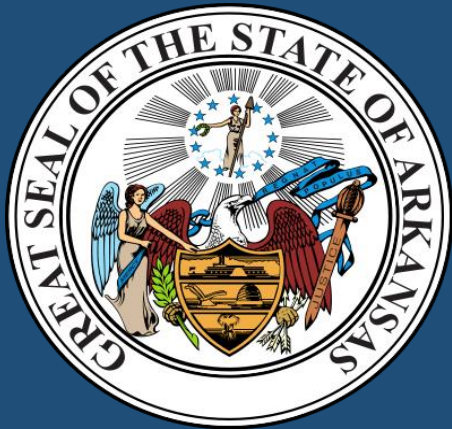
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- Buy What Procure
- Cooperative Purchase Special Request
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Have a Question?

- Email OSPTraining@DFA.Arkansas.gov
- Questions will be answered via a Question and Answer document which will be posted to the Training Page of the Office of State Procurement website

Procurement Forum



May 9, 2019



If you have questions about any of today's topics,
email OSPTraining@DFA.Arkansas.gov