

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



provision.

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

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

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

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

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

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

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

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

APPROVED: 4/20/21