

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1803

By: Representatives B. Wilkins, Rice

By: Senators R. Thompson, Teague

## For An Act To Be Entitled

AN ACT CONCERNING THE PROCUREMENT OF CONTRACTS FOR NONEMERGENCY TRANSPORTATION; TO REQUIRE THAT CONTRACTS FOR NONEMERGENCY TRANSPORTATION BE AWARDED BY COMPETITIVE SEALED PROPOSALS; TO REQUIRE THAT CONTRACTS FOR NONEMERGENCY TRANSPORTATION BE SUBMITTED TO THE LEGISLATIVE COUNCIL OR THE JOINT BUDGET COMMITTEE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO REQUIRE THAT CONTRACTS FOR NONEMERGENCY TRANSPORTATION BE AWARDED BY COMPETITIVE SEALED PROPOSALS AND SUBMITTED TO THE GENERAL ASSEMBLY; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 19-11-203, concerning the definitions to be used in the Arkansas Procurement Law, is amended to add an additional subdivision to read as follows:

(37) "Nonemergency transportation" means transportation services provided by persons who ensure that eligible Medicaid recipients are transported to and from approved medical appointments.

SECTION 2. Arkansas Code § 19-11-228 is amended to read as follows:



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19-11-228. Methods of source selection.

Unless otherwise authorized by law, all contracts shall be awarded by competitive sealed bidding, ~~pursuant to under § 19-11-229, which refers to competitive sealed bidding,~~ except as provided in:

- (1) Section 19-11-230, which refers to competitive sealed proposals;
- (2) Section 19-11-231, which refers to small procurements;
- (3) Section 19-11-232, which refers to proprietary or sole source procurements;
- (4) Section 19-11-233, which refers to emergency procurements;
- (5) Section 19-11-234, which refers to competitive bidding;
- (6) Section 19-11-262, which refers to multiple award contracts;
- ~~or~~
- (7) Section 19-11-263, which refers to special procurements; and
- (8) Section 19-11-267, which refers to nonemergency transportation.

SECTION 3. Arkansas Code § 19-11-265(a)(1), concerning the required submission of certain contracts, is amended to read as follows:

(a)(1) All contracts for technical and general services, except for those that are specifically exempt from review, requiring the service of an individual or individuals for regular full-time or part-time weekly work in the areas of information technology, the actual delivery of health care or human services, nonemergency transportation, or educational services shall be presented to the Legislative Council, or to the Joint Budget Committee, if the General Assembly is in session, before the execution date of the contract if the total contract amount exceeds one hundred thousand dollars (\$100,000).

SECTION 4. Arkansas Code Title 19, Chapter 11, Subchapter 2, is amended to add an additional section to read as follows:

19-11-267. Nonemergency transportation – Findings and intent.

(a)(1) The General Assembly finds that:

(A) Nonemergency transportation providers are critical to Arkansas's medical delivery system;

(B) The safety and welfare of the persons who rely on

nonemergency transportation should be an essential consideration in selecting providers of this service; and

(C) Federal regulations regarding Medicaid transportation require that the competitive bidding process used to select a provider of nonemergency transportation be based on the state's evaluation of the provider's experience, performance, references, resources, qualifications, and costs.

(2) The intent of this section is to require state agencies to request proposals and consider other factors in addition to cost in selecting a provider for nonemergency transportation to ensure that this state's Medicaid recipients are provided with safe and reliable transportation.

(b)(1)(A) When a state agency purchases nonemergency transportation, the state agency shall use the process for soliciting, evaluating, and awarding competitive sealed proposals under § 19-11-230.

(B) However, in the solicitation, evaluation, and awarding of competitive sealed proposals under subdivision (b)(1)(A) of this section, no more than twenty percent (20%) of the evaluation criteria established by a state agency shall be determined by price.

(2) A contract for nonemergency transportation shall not be awarded using the competitive sealed bidding process under § 19-11-229.

(3) This section does not prohibit the emergency procurement of nonemergency transportation under § 19-11-233.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that nonemergency transportation providers are critical to Arkansas's medical delivery system; that the safety and welfare of the persons who rely on nonemergency transportation should be an essential consideration in selecting providers; that federal regulations regarding Medicaid transportation require that the competitive bidding process used to select a provider of nonemergency transportation be based on the state's evaluation of the provider's experience, performance, references, resources, qualifications, and costs; that at least one (1) contract for nonemergency transportation will expire by July 1, 2013; and that this act is immediately necessary because the state will be required to immediately start the process of soliciting proposals and selecting a new nonemergency transportation provider. Therefore, an emergency is declared to exist, and

this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.