

DEPARTMENT OF SHARED ADMINISTRATIVE SERVICES
OFFICE OF STATE PROCUREMENT
RULES GOVERNING THE GENERAL PROVISIONS OF PROCUREMENT

PUBLIC COMMENTS AND DEPARTMENT RESPONSE

Name: Noel Johnson, Procurement Manager, University of Arkansas at Little Rock on behalf of the Agency Procurement Officials for Higher Education throughout Arkansas, in collaboration with their respective institution's general counsel representatives

Comment: 19 CAR 1-101 (a)

Higher Education requests the current language remains the same, in which this applies to professional consultant services where the dollar value is greater than twenty-five thousand dollars (\$25,000).

Department Response: Comment considered; no revision made.

Comment: 19 CAR § 1-103(a)(1)

Higher Education requests "for services" be added to 19 CAR § 1-103 (a)(1) after the first appearance of the words "a contract" since the duty not to renew a public contract with a contractor who employs or contracts with illegal immigrants only applies to service contracts. See Ark. Code Ann. § 19-60-105(b).

Department Response: Revised.

Comment: 19 CAR § 1-104 (e)(2)(B)

We recommend that the language of the rule be modified to reflect that the governing boards of exempt higher education institutions have clear statutory authority to set procurement policy architectural, engineering, land surveying, and construction management professional consultant services without any regard to a \$75,000 threshold.

Department Response: Revised.

Comment: 19 CAR 1-537 (c)

Recommend removing "for legislative review" to avoid confusing the reporting obligation with the obligation to submit contracts for review.

Department Response: Revised.

Comment 19 CAR 1-702:

We recommend that the language of the rule be realigned to match that of the statute, which contemplates APOs or chief executive officers of procurement agencies can determine a protest.

Department Response: Revised.