DELEGATION ORDER

I, Edward R. Armstrong, acting in my official capacity as the State Procurement Director, do hereby delegate authority to the Department of Human Services (“DHS”), Office of Procurement (“OP”), to serve as a “procurement agency” and for its Chief Procurement Officer (“CPO”) to act as its “procurement agent,” as those terms are defined in Arkansas Procurement Law, subject to the following conditions:

PROCUREMENT OF COMMODITIES & SERVICES BENEATH $1,000,000:

A. DHS OP has authority to procure commodities and/or services with an initial annual cost or a total projected cost less than one million dollars ($1,000,000). A unique sequential numbering system will be used to identify an invitation for bids (IFB) or a request for proposals (RFP) processed by DHS.

B. DHS OP solicitation will be forwarded for posting on the OSP website to comply with the public-notice requirement. DHS will include the appropriate material group number with each bid document to ensure that all OSP registered vendors receive notification from INA. It will be the responsibility of DHS OP to notify any suggested vendors when DHS OP processes the solicitation.

C. Bid openings for solicitations for purchases less than $1,000,000 will be held at the DHS location specified in the relevant solicitation document. Although DHS OP buying staff will be primarily responsible for evaluating all bid responses and for developing all documentation regarding contract awards and any disqualified bids, OSP will assist, when requested, by providing general oversight, guidance, and commodity information.

D. Contract award documents will be prepared by a DHS OP Buyer and then listed on the Anticipation to Award website. The relevant bid file will be maintained at DHS OP for record retention purposes. Amendments to the solicitation will follow the same review and approval process as the original solicitation document unless they exceed the delegated authority threshold.

E. In solicitations where contracts are expected to exceed an estimated purchase price of seventy-five thousand dollars ($75,000), contracts shall be awarded by competitive sealed bidding unless the DHS CPO or the State Procurement Director has determined, in writing, that this method is not practicable and advantageous and specifically states the reasons that this method is not practicable and advantageous.

COMMODITIES & SERVICES EQUAL TO OR GREATER THAN $1,000,000:

F. Where the initial annual of total projected cost of the procurement of commodities services is estimated to be equal to or greater than one million dollars ($1,000,000). DHS OP has authority to procure commodities and/or services by means of the issuance of an IFB without the need for further approval from OSP.
G. Where the initial annual of total projected cost of the procurement of commodities and/or services is estimated to be equal to or greater than one million dollars ($1,000,000) and the DHS OP has determined, in writing, that solicitation by means of an IFB is not practicable and advantageous to the State, DHS may request approval to proceed with an RFP by having the DHS CPO present his or her written determination to the State Procurement Director ("Director"). If the Director expressly endorses the reasoning in the determination as correct or fails to inform the DHS CPO that he disagrees with or objects to the determination within ten (10) business days of receipt of the DHS CPO determination, then DHS OP may proceed with issuing an RFP.

H. Protests of bids, debarment or suspension of vendors, resolution of contract and breach of contract controversies and remedies for unlawful solicitation or award may be handled by DHS or OSP in accordance with applicable statutes and rules.

**GENERAL:**

I. All processes and procedures performed under the authority of this delegation order shall be in full compliance with the State Procurement Laws, Rules and Regulations.

J. Any revisions of standard terms and conditions desired by DHS must be made with the advice and consent of OSP.

K. Any Vendor Performance Reports (VPR) are to be timely completed and submitted.

L. The purchase of printing as defined by Amendment 54 to the Arkansas Constitution is addressed under a separate "Printing Delegation" order.

M. Training, up to and including appropriate certification, of DHS employees who will execute the procurement process, is mandatory and subsequent employees must receive basic procurement training prior to assuming the duties of this Delegation order for the order to remain in effect. Basic Procurement training consists of, at a minimum, the successful completion of the Basic Procurement class offered by OSP.

N. The State Procurement Director may rescind this delegation order at any time for any reason, including the failure of DHS or the DHS OP to comply with applicable procurement law, rules, ethical standards, procurement policies and procedures, or the terms of this delegation order.

Nothing herein is intended to prohibit the agency from requesting assistance of OSP with procurement. The authority extended under this delegation order will expire on December 1, 2021, unless sooner rescinded or revoked.

It is so ordered.

Edward R. Armstrong  
State Procurement Director

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