

1. Question: When will ALC review process be redefined?

Answer: OSP is not aware of plans to “redefine” the ALC review process.

2. Question: Where can I find my current delegation orders?

Answer: They may be found at:

<http://www.dfa.arkansas.gov/offices/procurement/guidelines/Pages/delegationOrders.aspx>

3. Question: How do we apply the increased threshold for minority and women owned businesses?

Answer: The increased threshold only applies if the procurement is with a “certified” minority business enterprise or women-owned business enterprise by the Division of Minority and Women-owned Business Enterprise of the Arkansas Economic Development Commission. Ark. Code Ann. § 15-4-315. Obtain documentation that the enterprise is certified, then conduct the procurement as you would with a small purchase.

4. Question: What do we do if our vendors don’t register as minority?

Answer: The small purchase threshold is not to be doubled from \$20,000 to \$40,000 if the vendor is not a certified minority business enterprise or certified women-owned business enterprise. You should encourage your vendors to get certified if they fit the criteria.

5. Question: Procurement Limits. When discussing the new limits, it was stated that up to \$20,000 did not require a competitive bid. A comment was then made that when dealing with a minority/woman owned business the limit was \$40,000. Any clarification you can provide would be appreciated.

Answer: The threshold for small procurement is now \$40,000.00 if the contractor is a “certified” minority business enterprise or certified women-owned business enterprise. See Ark. Code Ann. § 15-4-315 (“To assist the state in ensuring that the percentages of the total amount expended in state-funded and state-directed

public construction programs and procurement of commodities and services for the state each fiscal year under § 15-4-302 are paid to minority business enterprises and women-owned business enterprises under this subchapter, a procurement that does not exceed two (2) times the amount stated in § 19-11-204(13) [i.e., \$20,000] may be procured without seeking competitive bids or competitive sealed bids if the procurement is with a *certified* minority business enterprise or *certified* women-owned business enterprise.”) (emphasis added).

6. Question: At today’s forum, we discussed Israel Boycott restriction. I noticed all templates on the OSP website are updated tom include a confirmation. I also find it helpful to use a request for quotation document to send to a specific vendor for a small order contract for the vendor to determine whether or not they are capable of meeting agency requirements. If I incorporate a signature page including the Israel boycott restriction confirmation identical to the updated templates, will that suffice as a certification?

Answer: Yes.

7. Question: Prohibition of doing business with companies that boycott Israel.

Is the prohibition applied to vendors or manufacturers for example:

We buy from Joe’s Tire Shop and they sell Michelin brand tires, Michelin decides they are going to boycott Israel would we stop buying from Joe’s because they sell Michelin or is it only applied if we were to deal directly with Michelin?

Answer: The prohibition only applies when dealing with the contractor. It does not apply to the contractor’s suppliers or subcontractors. There is no need to require certification from subcontractors. In your example, you could still buy from Joe’s, but would be prohibited from buying directly from Michelin unless the total projected cost of the contract was under \$1,000 or

Michelin offers to provide the goods or services for at least 20% less than the lowest certifying business.

8. Question: Can you explain:

- a. Act – Formal product of a legislature that has been signed by the executive and enacted. An “act” is law.**
- b. Code – A systematic compilation of laws, rules, or regulations, carefully arranged and officially promulgated. For example, Arkansas Code Annotated §19-11-203 is the location in the state code of an enacted law and rules.**
- c. Rule – An authoritative and promulgated standard, guiding conduct, which is applicable to a specific law. For example, R1:19-11-203 is the rule guiding the conduct of those who must comply with Arkansas Code Annotated §19-11-203.**
- d. Promulgate – The process of formally enacting a law, rule, or regulation. For example, in order to formally enact rules, agencies have a process they must go through to receive the necessary authority for a rule to be formally enacted, often including receiving approvals or reviews within the agency, the Governor’s Office, and the General Assembly. This process is called “promulgation.”**

9. Question: If vendor completes contract/grant disclosure form showing a hit, but agency determines the hit doesn’t require OSP legal, can agency move forward with contract without OSP legal review?

Answer: If the contractor/vendor completes the Contract and Grant Disclosure form, and the agency determines from the information disclosed in the Contract and Grant Disclosure form that it does not require disclosure under Executive Order 98-04, then the agency may move forward with the contract without seeking OSP legal review of the disclosure form.

10. Question: Are they going to reformat the EO 98-04 Form (hard to follow)

Answer: This is under review and consideration.

11. Question: In the meeting today it was stated that the form had to be sent in at \$10,000. The amount was changed several years ago to \$25,000. I can't give you the exact date - but it was and we have been using the figure ever since the change.

Answer: Executive Order 98-04 has not changed despite the fact that the statutory small purchase threshold has. Note, however, that there is a discrepancy between the \$10,000 threshold stated in EO-98-04 and the Rule implementing it. The Rule, which is supposed to implement EO 98-04, does state that agencies are not required to obtain disclosure for contracts less than \$25,000. In sum, the Executive Order sets a threshold at \$10,000 and the Rule that is supposed to implement that Executive Order says the threshold is \$25,000. Consequently, an agency may be in compliance with the Rule, but not in compliance with the actual Executive Order itself as it reads. We shared the \$10,000 threshold to be conservative and be in compliance with the Executive Order, as it reads, but the Rule does provide a basis for saying that the threshold is \$25,000.