

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 1164

4  
5 By: Senator Altes  
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## For An Act To Be Entitled

8  
9 AN ACT CONCERNING ETHICS IN THE PUBLIC SCHOOL  
10 PROCUREMENT PROCESS; AND FOR OTHER PURPOSES.  
11

### Subtitle

12  
13 AN ACT CONCERNING ETHICS IN THE PUBLIC  
14 SCHOOL PROCUREMENT PROCESS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. (a)(1) A person who develops, drafts, or participates in  
20 the development or drafting of specifications, requirements, statements of  
21 work, invitations for bids, requests for proposals, requests for  
22 qualifications, or similar documents with regard to a public educational  
23 facility or equipment for a public educational facility has a conflict of  
24 interest with regard to any contract resulting from the specifications,  
25 requirements, statements of work, invitations for bids, requests for  
26 proposals, requests for qualifications, or similar documents prepared by the  
27 person.

28 (2) Any entity in which the person described in subsection (a)  
29 of this section has a direct or indirect financial interest has a conflict of  
30 interest with regard to any contract resulting from the specifications,  
31 requirements, statements of work, invitations for bids, requests for  
32 proposals, requests for qualifications, or similar documents prepared by the  
33 person.

34 (b)(1) A person or entity with a conflict of interest with regard to  
35 any contract relating the public educational facility or equipment for a  
36 public educational facility shall only be eligible to bid, submit proposals,



1 statements of work or qualifications, contract, or subcontract on a  
2 procurement or other similar transaction for which the person or entity has a  
3 conflict of interest if the role of the person or entity, or both, is fully  
4 disclosed to the board of directors of the school district and the board of  
5 directors determines that allowing the person or entity with the conflict of  
6 interest to participate in the procurement process at issue is in the best  
7 interests of the public educational entity.

8 (2) The public educational entity's board shall document its  
9 decision under subdivision (b)(1) of this section by written resolution after  
10 fully disclosing the nature and details of the conflict of interest and  
11 documenting the reasons in support of allowing the person or entity with  
12 conflict of interest to participate in the procurement process or contract at  
13 issue and how the board's decision serves the best interest of the public  
14 educational entity.

15 (3) Any board member directly or indirectly interested in the  
16 proposed procurement process or contract shall leave the meeting until voting  
17 on the issue is concluded, and the absent member shall not be counted as  
18 having voted.

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