

ARKANSAS REGISTER

FILED Transmittal Sheet

FEB 22 1994



W. J. "BILL" MCCUEN

SECRETARY OF STATE W. J. "Bill" McCuen

Secretary of State

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date 3/10/94 Code Number 004.00.94--026

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Norris, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended, Act 546 of 1983

Title of Rule: AR 118 - Contracts requiring Board of Correction and Community Punishment
Intended Effective Date approval Date

☐ Emergency Legal Notice Published 2/3-9/94

☐ 20 Days After Filing Final Date for Public Comment 2/16/94

☒ Other Filed With Legislative Council 2/3/94

Please use 3/10/94

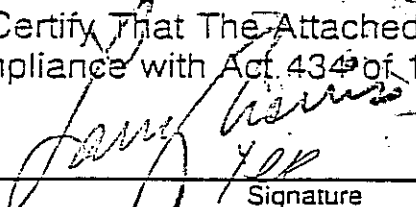
as the effective date

Reviewed by Legislative Council

Adopted by State Agency 2/17/94

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.



Signature

Director
Title

2/17/94

Date



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS

BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

BY

FEB 22 1994

SECRETARY OF STATE

Section Number:

DCP 2.10

DOC 118

Page Number:

1 of 8

Board Approval Date:

2/17/94

Supersedes:

DCP 2.10

DOC 118

Reference:

AD 9:04

Dated:

1/19/94

9/24/91

Effective Date:

3/10/94

SUBJECT: Contracts Requiring Board of Correction and Community
Punishment Approval

I. AUTHORITY:

The authority to promulgate this Administrative Regulation is vested in Act 50 of 1968, First Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann. ss 16-93-1203 and 12-27-105 of 1993).

II. PURPOSE:

To establish guidelines in the procurement/purchasing, leasing, and sales processes; to designate approval levels of staff when Board of Correction and Community Punishment approval is required prior to contracting; and, to establish guidelines for approvals and/or notification for amendments to contracts previously approved by the Board of Correction and Community Punishment.

III. APPLICABILITY:

Applies to the Board of Correction and Community Punishment, the Director, and staff charged with the responsibility of purchasing/procurement, sales, leasing, and amendments to the documents.

IV. DEFINITIONS:

- A. Professional Services Contract - Contracts between a state agency and a contractor in which the relationship between the contractor and the state agency is that of an independent contractor rather than that of an employee. The services to be rendered consist of the personal services of an individual or company which are professional in nature. Each contract shall specify the results expected from the rendering of the services.
- B. Emergency Purchases - The acquisition of commodities or services above \$5,000 which if not immediately initiated will endanger human life, health, state property, or the functional capability of a state agency. Emergencies



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Reference: AD 9:04	Effective Date: 3/10/94

SUBJECT: Contracts Requiring Board of Correction and Community Punishment Approval

require that at least three quote bids be obtained when possible.

- C. Single Source Purchases - Purchases made from one source after it is determined that no other source can provide the product or service specified.
- D. Offenders: Persons sentenced to the Department of Correction or persons sentenced to the Department of Correction but judicially transferred or under the supervision of the Department of Community Punishment.

V. POLICY:

It shall be the policy of the Department to follow all rules and regulations governing the purchase or sales of all commodities and equipment as set forth in the State Purchasing law; to ensure that leases, purchases or sales of buildings and land, and property improvements are in accordance with State Building Services rules and regulations; and, that procurement of professional services contracts are in accordance with state laws, policies and procedures.

VI. PROCEDURES:

A. Purchasing Through State Purchasing

1. Purchase of commodities and services require approval of the appropriate deputy or assistant director or his or her designee. A purchase order signed by the Administrative Services Division is required prior to completing the purchase unless a specific exemption is provided.
2. Purchases of equipment, furniture, and vehicles require approval of the Director, except, the Director may delegate approval authority to the deputy or assistant directors based on specific items or specific dollar amounts as specified in an administrative directive.



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3. Purchases of personal computers, terminals, and other computer equipment requires approval of the Director, deputy/assistant directors and Department of Computer Services prior to processing with State Purchasing.
4. Emergency purchases require approval of the Director.
5. Single source purchases of equipment, in amounts as specified in an administrative directive, require pre-approval by the Director and appropriate Board committee. Bids will be obtained whenever possible.
6. Procedures from cash funds are made in accordance with the state purchasing law.
 - a. Purchases for operations of the cash fund are approved by the warden/center supervisor based on annual budgets as approved by the Director.
 - b. Purchases of replacement or new equipment for operations are approved by the warden/center supervisor, appropriate assistant director and Director. The Director may delegate approval authorities on specific dollar amounts on specific items as designated in an administrative directive.
 - c. Non-operating purchases from Inmate Welfare/Resident Assessment Fund are approved by warden/center supervisor, appropriate assistant director, and are subject to the following subsequent approvals:
 - (1) up to \$300 - Assistant Director, Administrative Services
 - (2) \$300 - \$1,000 - Director
 - (3) over \$1,000 - Board of Correction and Community Punishment



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- d. Other purchases, sales, leases and contracts follow the procedure indicated in this administrative regulation.
7. Internal purchasing procedures will be issued as a part of the Administrative Services Division Procedures Manual and made available to all employees of the Department involved in the purchasing process.
8. Budgeted funds must be available prior to issuing a purchase order.
- B. Sales Through State Purchasing
 1. Equipment and vehicles are sold through Marketing and Redistribution of State Purchasing.
 2. Farm produced commodities are sold in accordance with the Administrative Regulation titled "Farm Produced Commodities."
 3. Industry sales are sold in accordance with the administrative regulations pertaining to: Industry Program Procedures, Sales or Acquisitions and Arkansas Correctional Industries.
 4. Sales of natural resources (timber, gravel, etc.) require involvement of Department of Finance and Administration National Resources Office.
 5. Other sales contracts require Director's approval. In the event annual contract amount exceeds \$50,000, Board approval is also required.
- C. Leases
 1. State Building Services is responsible for negotiating all leases for offices and storage space. Leases of space require approval of the appropriate deputy or



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assistant director and Director prior to issuance of lease contract.

2. Leases of land for agricultural operations or buildings to house offenders are negotiated by State Building Services and are to be approved by the Director and Board of Correction and Community Punishment.
 3. Leases of equipment require appropriate deputy or assistant director's approval and are processed through State Purchasing.
 4. Lease purchases will follow the same procedures as purchases. Lease purchases over \$50,000 will require both Director and Board approval if not required in the procedure for that item.
 5. Income leases or leases with no exchange of funds will follow the same procedures as leases requiring expenditure of funds.
- D. Purchases of Land, Buildings, Major Construction, and Major Renovation in the amount of \$50,000 and above.
1. Appropriation and funds must be available. Bond funds require funds available only.
 2. All original projects must be approved by Director and Board of Correction and Community Punishment.
 3. A "Method of Finance" must be approved by State Building Services, Director of Department of Finance and Administration, and when required, reviewed by the Legislative Council prior to initiating the project.
 4. Land acquisitions also require Attorney General review.
 5. The Director will issue an administrative directive covering internal procedures for purchases and provide



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Punishment Approval

copies to the Board of Correction and Community
Punishment.

E. Minor Construction and Renovation Under \$50,000

1. Appropriation and funds must be available.
2. Project must be approved by Director prior to submitting a method of finance.
3. A "Method of Finance" must be approved by the Director of the Department of Finance and Administration and State Building Services prior to initiation of the project.

F. Sales or Disposal of Buildings and Land

1. Sales require processing by State Building Services rules and regulations.
2. Sales require Director and Board of Correction and Community Punishment approval.
3. Land disposed of at no income or cost require Director and Board approval and will be processed by State Building Services.
4. Demolition of buildings require Director and Board of Correction and Community Punishment approval.

G. Professional Services Contracts

1. Contracts up to an annual amount of \$50,000 require approval of appropriate deputy director or assistant director prior to approval of Director and prior to processing as required by law. Contracts over \$50,000 also require Board of Correction and Community Punishment approval.



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2. Architect contracts for new construction require Board selection and approval of architect. Amendments to contracts that would increase/decrease the architect's percentage to the total contract amount require Board approval.
3. Contracts for medical services and medical services review require Board selection and approval of provider. The Director signs resulting contract as approved by Board of Correction and Community Punishment. Amendments to the contract that effect scope of service or the offender cost per month require Board approval.
4. Contracts for legal services for representation of the Department shall be administrated in accordance with Ark. Code Annotated 25-16-702 after receiving the approval of the Director and Board. Amendments to contracts effecting the scope of the service or dollar amount require Board approval.

H. Other Contracts

1. Telephone contracts not included in construction contracts require the Director's approval and are purchased through State Purchasing after approval of Department of Computer Services.
2. Utilities contracts are approved by the Construction Administrator and Assistant Director of Administrative Services or appropriate administrator.
3. Maintenance contracts are approved by the appropriate deputy or assistant director.

I. Emergency Approvals

In the event of an emergency as defined in IV. B., any procurement/purchase, lease, sales process, or contract that requires Board of Correction and Community Punishment



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approval may be processed with approval of the Board of Correction and Community Punishment Chairperson. In his or her absence, the Vice-chairperson should be contacted for approval.

Once the emergency process has been approved, it shall be submitted to the full Board of Correction and Community Punishment for ratification at the next regularly scheduled meeting.

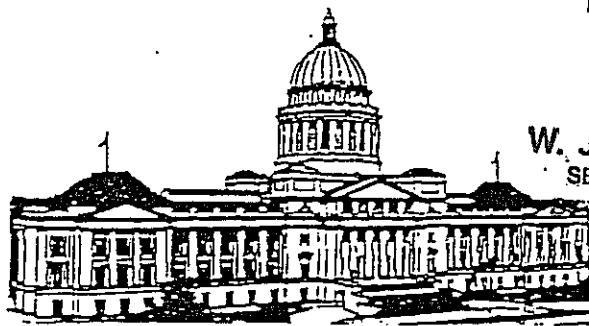
AR118 VII. REFERENCES:

ACA Standard 3-4031

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Code Number

004.00.94--026

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Norris, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session, as amended Act 240 of 1993

Title of Rule: AR 118 - Contracts requiring Board of Correction and Community Punishment

Intended Effective Date approval

Date

☐ Emergency

Legal Notice Published

2/3-9/94

☐ 20 Days After Filing

Final Date for Public Comment

2/16/94

☒ Other

Filed With Legislative Council

2/3/94

Please use 3/10/94
as the effective date

Reviewed by Legislative Council

Adopted by State Agency

2/17/94

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Signature

Director

Title

2/17/94

Date



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W. J. "BILL" BROWN
BY SECRETARY OF STATE

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Applies to the Board of Correction and Community Punishment, the Director, and staff charged with the responsibility of purchasing/procurement, sales, leasing, and amendments to the documents.

IV. DEFINITIONS:

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- C. Single Source Purchases - Purchases made from one source after it is determined that no other source can provide the product or service specified.
- D. Offenders: Persons sentenced to the Department of Correction or persons sentenced to the Department of Correction but judicially transferred or under the supervision of the Department of Community Punishment.

V. POLICY:

It shall be the policy of the Department to follow all rules and regulations governing the purchase or sales of all commodities and equipment as set forth in the State Purchasing law; to ensure that leases, purchases or sales of buildings and land, and property improvements are in accordance with State Building Services rules and regulations; and, that procurement of professional services contracts are in accordance with state laws, policies and procedures.

VI. PROCEDURES:

A. Purchasing Through State Purchasing

1. Purchase of commodities and services require approval of the appropriate deputy or assistant director or his or her designee. A purchase order signed by the Administrative Services Division is required prior to completing the purchase unless a specific exemption is provided.
2. Purchases of equipment, furniture, and vehicles require approval of the Director, except, the Director may delegate approval authority to the deputy or assistant directors based on specific items or specific dollar amounts as specified in an administrative directive.



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 - c. Non-operating purchases from Inmate Welfare/Resident Assessment Fund are approved by warden/center supervisor, appropriate assistant director, and are subject to the following subsequent approvals:
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1. Appropriation and funds must be available. Bond funds require funds available only.
 2. All original projects must be approved by Director and Board of Correction and Community Punishment.
 3. A "Method of Finance" must be approved by State Building Services, Director of Department of Finance and Administration, and when required, reviewed by the Legislative Council prior to initiating the project.
 4. Land acquisitions also require Attorney General review.
 5. The Director will issue an administrative directive covering internal procedures for purchases and provide



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E. Minor Construction and Renovation Under \$50,000

1. Appropriation and funds must be available.
2. Project must be approved by Director prior to submitting a method of finance.
3. A "Method of Finance" must be approved by the Director of the Department of Finance and Administration and State Building Services prior to initiation of the project.

F. Sales or Disposal of Buildings and Land

1. Sales require processing by State Building Services rules and regulations.
2. Sales require Director and Board of Correction and Community Punishment approval.
3. Land disposed of at no income or cost require Director and Board approval and will be processed by State Building Services.
4. Demolition of buildings require Director and Board of Correction and Community Punishment approval.

G. Professional Services Contracts

1. Contracts up to an annual amount of \$50,000 require approval of appropriate deputy director or assistant director prior to approval of Director and prior to processing as required by law. Contracts over \$50,000 also require Board of Correction and Community Punishment approval.



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3. Contracts for medical services and medical services review require Board selection and approval of provider. The Director signs resulting contract as approved by Board of Correction and Community Punishment. Amendments to the contract that affect scope of service or the offender cost per day require Board approval.

4. Contracts for legal services for the Department shall be administrated in accordance with Ark. Code Annotated 25-16-702 after receiving the approval of the Director and Board. Amendments to contracts effecting the scope of the service or dollar amount require Board approval.

H. Other Contracts:

1. Telephone contracts not included in construction contracts require the Director's approval and are purchased through State Purchasing after approval of Department of Computer Services.
2. Utilities contracts are approved by the Construction Administrator and Assistant Director of Administrative Services or appropriate administrator.
3. Maintenance contracts are approved by the appropriate deputy or assistant director.

I. Emergency Approvals

In the event of an emergency as defined in IV. B., any procurement/purchase, lease, sales process, or contract that requires Board of Correction and Community Punishment



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Once the emergency process has been approved, it shall be submitted to the full Board of Correction and Community Punishment for ratification at the next regularly scheduled meeting.

AR118

VII. REFERENCES:

ACA Standard 3-4031