



**PARTICIPATION IN NASPO VALUEPOINT MASTER AGREEMENTS
BY
PUBLIC AGENCIES OTHER THAN STATE AGENCIES
IN THE
STATE OF ARKANSAS**

The Chief Procurement Officer (CPO) in the Arkansas Department of Finance and Administration, Office of State Purchasing provided the following guidance regarding participation of local procurement units in Arkansas in cooperative contracts, including NASPO ValuePoint contracts.

“Act 421 of 2019 made some changes in Arkansas Procurement Law that have caused me to consider just which public procurement units are “subject to” Arkansas Procurement Law and which are “not subject to [Arkansas Procurement Law]” for purposes of Ark. Code Ann. § 19-11-256(b). The statute I just referenced is one that requires procurement units that are subject to Arkansas procurement law (state agencies) to present cooperative contracts for review by the State Procurement Director when they want to participate in a cooperative purchasing agreement that is administered by a procurement unit or external procurement activity that is not governed by Arkansas Procurement Law.

It is my opinion and administrative interpretation that these terms, i.e., “subject to” and “not subject to,” should be construed in light of Ark. Code Ann. § 19-11-207, which provides that Arkansas Procurement Law applies generally to every expenditure of public funds by the state acting through a “state agency,” as that term is defined in § 19-11-203. That definition does not include cities within its scope. Consequently, my understanding is that Arkansas Procurement Law only requires me to determine whether a cooperative contract administered outside of Arkansas was procured in a manner that substantially complies with Arkansas Procurement Law when a state agency wants to participate in such a cooperative.”

Local procurement units in Arkansas wishing to execute Participating Addendums with ValuePoint Contractors must follow their own procurement authority and guidelines when doing so.

Scanned copies of all executed participating addendums are to be sent by email in PDF format to PA@NASPOValuePoint.org.

This authorization does not apply to any state agency or institution in Arkansas and may be rescinded at any time by the Chief Procurement Officer.

Questions regarding this notice may be sent to the NASPO ValuePoint Cooperative Contract Coordinator Team by email at CCC@naspovaluepoint.org.