

[Ark. Code § 19-11-240.]

§ 19-11-240. Reporting of suspected collusion -- Definition: Arkansas Procurement Law

(a) As used in this section, "collusion" means cooperation in the restraint of free and open competition in a public procurement, including without limitation:

- (1) Price fixing;
- (2) Bid rigging;
- (3) Customer or market allocation;
- (4) Misrepresenting the independence of the relationship between colluding parties; and
- (5) Exerting improper influence on public officials to obtain advantage in a public procurement, including without limitation:

- (A) Offering bribes or kickbacks;
- (B) Extortion; and
- (C) Fraudulent misrepresentation.

(b) When for any reason collusion is suspected among any bidders or offerors, a written notice of the relevant facts shall be transmitted to the Attorney General.

(c)
(1) All documents involved in a procurement in which collusion is suspected shall be retained until the Attorney General gives notice that they may be destroyed.

(2) All retained documents shall be made available to the Attorney General or a designee upon request and proper receipt of the request.

(d) Collusion is cause for:

- (1) Debarment from consideration for award of a contract under § 19-11-245; and
- (2) Suspension from consideration for award of a contract if there is probable cause for suspecting collusion as determined by the Attorney General or the State Procurement Director.