

Waiver Form Cover Letter

The Arkansas 94th General Assembly passed a rule in the 2024 Fiscal Session which directly impacts school construction services under a cooperative purchasing contract. The bill modified 19-11-249 to allow public school districts and open enrollment public charter schools to utilize cooperative purchasing agreements for construction purchases not to exceed a total aggregate amount of one million dollars (\$1,000,000) in a fiscal year from July 1, 2024 to June 30, 2025.

The rule did allow for a waiver request to exceed the \$1,000,000 aggregate to be submitted to the Executive Subcommittee of the Legislative Council.

Included in this correspondence is an example form for a district to request a waiver of the \$1,000,000 aggregate. This is a suggested sample only and should not be construed as legal advice. ASBA encourages you to defer to authority promulgated by the Executive Subcommittee of the Legislative Council or similar departments of the State, if any is ever issued.

The waiver and any supporting documentation should be directed to the Co-chairs of the Executive Subcommittee as follows **by email or by USPS mail**:

If sending by email, please send to the following: Marty Garrity at garritym@blr.arkansas.gov and Shonna Amos at amos@blr.arkansas.gov.

The form is to be submitted instead of an email to the following address by USPS mail:

Hon. Ben Gilmore, Arkansas Legislative Council Co-Chair
Hon. Les D. Eaves, Arkansas Legislative Council Co-Chair
1 Capitol Mall, Fifth Floor
Little Rock, Arkansas 72201

Once a meeting is scheduled, you will be advised of the date and time. The person requesting the exemption must be available at the meeting to answer any questions. Once approved, the Executive Subcommittee will advise when the approval becomes effective.

The temporary statutory language the General Assembly enacted is currently set to expire on June 30, 2025. It is our understanding that the General Assembly will review the number of waiver requests that are submitted and the amount entities are exceeding the one million dollar (\$1,000,000) aggregate when determining whether to renew or modify the language during the 2025 Regular Session.

**Sample Waiver Request to Exceed Cooperative Purchasing
Construction Services Aggregate Amount
In Accordance with § 19-11-249 (d)**

Name of School District or Open Enrollment Public Charter School: Van Buren School District

Name and Title of Person Submitting Report: Drew Cone – Athletic Director

Contact Information of Person Submitting Report: 479-474-7942 or dccone@vbsd.us

Location of Project (school campus, etc.): Van Buren High School Baseball Field located at Field of Dreams

Reason for Waiver Request (Timeline for Completion, Preferred Contractor, etc...) TIPS/TAPS bids

Description and Scope of Project (Please attach all relevant documents pertaining to the school construction project): We plan to install artificial turf to our baseball field due to continual maintenance, canceled practices and games due to natural turf. Over time artificial turf will save money and time not having to provide maintenance year round to the natural surface.

Total Estimated Cost of Project, Including all available extensions : \$1,400,000

Contractor/Vendor: Hellas Construction

Contractor/Vendor Contact Information: David Fisher, 1-800-233-5714 or info@hellasconstruction.com

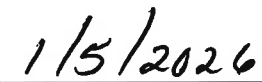
Vendor Contract #: 24-06DP-04 and TIPS # 23020102

Name of Cooperative Purchasing Program: TIPS/TAPS

Start Date of Construction: May 26, 2026



Signature



Date

1. TIPS allows us to move forward quickly and schedule the project sooner rather than later and it also allows us to use a company that we have had success with in the past.
2. With all schools wanting to complete turf projects within a similar window of time, it would benefit us to get on the vendor's calendar as soon as possible. The district did not schedule the project sooner because we were not financially prepared to do so. Recently, the Board approved a second lien bond issue that allows us to move forward with projects. We will receive funds from the bond issue later this month.
3. The TIPS approved vendor we would like to use is Hellas. Hellas built our football/soccer field 10 years ago and we were pleased with the price and the process. Prior to that, Hellas built our turf football/soccer field in 2006, which the district was pleased with as well. In 2006, Hellas was awarded the project through a competitive bid process. The turf was replaced 10 years ago using a design-build project delivery method where the district hired an engineer named Tim Cowan to complete the project. As mentioned, Hellas was selected for that project as well.
4. For the last five years, our district has utilized the design-build project delivery method where we have hired an architectural firm (MAHG of Fort Smith, AR) and the firm conducts all bidding and selection of vendors. In 5 years, we have built two indoor facilities, a gym at one of our middle schools, replaced roofs and HVAC systems at two schools, renovated a number of educational spaces and completed full flooring replacements throughout the school system. The total price in the past five years for the mentioned projects was approximately \$35M. While the district has purchased items from TIPS vendors over the last five years, no major projects, similar to what we are completing with the turf project, have been completed with TIPS vendors.
5. The district does not believe the price would be substantially different than what was received by the vendor through the TIPS program. The district has received cost estimates from other TIPS approved vendors and the pricing for the total scope is better using Hellas than any other vendor. The district will complete additional turf projects as well as a track resurface that do not exceed a million dollars and Hellas will complete those projects.

Thank you!

Drew Cone Ed.S.
Director of Athletics/Activities
Van Buren School District