

Act 616 of the 1989 Regular Session.

Act 616

HB1552

By: Representative Matthews

"AN ACT DECLARING PUBLIC POLICY CONCERNING THE PROCUREMENT OF CERTAIN PROFESSIONAL SERVICES BY THE STATE AND POLITICAL SUBDIVISIONS AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. It is the policy of the State of Arkansas and political subdivisions that the state and political subdivisions shall negotiate contracts for legal, architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable prices and to prohibit the use of competitive bidding for the procurement of professional services.

SECTION 2. In the procurement of legal, architectural, engineering or land surveying services, the political subdivision which utilizes such services shall encourage firms engaged in the lawful practice of these professions to submit annual statements of qualifications and performance data to the political subdivision. The political subdivision shall evaluate current statements of qualifications and performance data of firms on file whenever a project requiring professional services from a lawyer, architect, engineer or land surveyor is proposed. The political subdivision shall not use competitive bidding for the procurement of professional services of a lawyer, architect, engineer or land surveyor.

SECTION 3. In evaluating the qualifications of each firm, the political subdivision shall consider:

- (a) The specialized experience and technical competence of the firm with respect to the type of professional services required;
- (b) The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
- (c) The past record of performance of the firm with respect to such factors as control of costs, quality of work and ability to meet schedules and deadlines; and
- (d) The firm's proximity to and familiarity with the area in which the project is located.

SECTION 4. The political subdivision shall select three qualified firms. The political subdivision shall then select the firm considered the best qualified and capable of performing the desired work and negotiate a contract for the project with the firm selected.

SECTION 5. (a) For the basis of negotiations, the political subdivisions and the selected firm shall jointly prepare a detailed, written description of the scope of the proposed services.

(b) If the political subdivision is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The political subdivision shall then undertake negotiations with another of the qualified firms selected. If there is a failing of accord with

the second firm, negotiations with such firm shall be terminated. The political subdivision shall undertake negotiations with the third qualified firm.

(c) If the political subdivision is unable to negotiate a contract with any of the selected firms, the agency shall reevaluate the necessary legal, architectural, engineering or land surveying services, including the scope and reasonable fee requirements, again compile a list of qualified firms and proceed in accordance with the provisions of this act.

SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 16, 1989

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