

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1543

"AN ACT REQUIRING THAT PROFESSIONAL AND CONSULTANT SERVICES
CONTRACTS COMPLY WITH THE ARKANSAS PROCUREMENT LAW AND THE
GENERAL AND BUDGETARY PROCEDURES LAW."

Amendment No. 3 to House Bill No. 1543.

Amend House Bill No. 1543 as engrossed, H3/13/03:

Page 14, line 33, after "state" and before "and" insert "agencies"

AND

Page 15, line 2 after "of" insert "legal"

AND

Page 15, delete lines 24 through 30 and insert the following:

"SECTION 9. Arkansas Code § 19-11-802 is amended to read as follows:
19-11-802. Annual statements of qualifications and performance data -
Restrictions on competitive bidding.

(a) In the procurement of professional services, a state agency or political subdivision which utilizes such services may encourage firms engaged in the lawful practice of these professions to submit annual statements of qualifications and performance data to the political subdivision or may request such information as needed for a particular public project.

(b) The state agency or political subdivision shall evaluate current statements of qualifications and performance data of firms on file or may request such information as needed for a particular public project whenever a project requiring professional services is proposed.

(c) The political subdivision shall not use competitive bidding for the procurement of ~~professional services~~ legal architectural, engineering, construction management, and land surveying professional consulting services.

(d)(1) A public school district that utilizes construction management services shall encourage construction management firms to submit to the school district annual statements of qualifications and performance data or may request such information as needed for a particular public project.

(2) The public school district shall evaluate current statements



of qualifications and performance data on file with the school district or when submitted as requested whenever a project requiring professional services of a construction manager is proposed.

(3) The public school district shall not use competitive bidding for the procurement of professional services of a construction manager.

SECTION 10. Arkansas Code § 19-11-803 is amended to read as follows:
19-11-803. Evaluation of qualifications.

In evaluating the qualifications of each firm, the state agency or political subdivision shall consider:

(1) The specialized experience and technical competence of the firm with respect to the type of professional services required;

(2) 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;

(3) 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

(4) The firm's proximity to and familiarity with the area in which the project is located.

SECTION 11. Arkansas Code § 19-11-804 is amended to read as follows:
19-11-804. Selection.

The state agency or political subdivision shall select three (3) qualified firms. The state agency or 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 12. Arkansas Code § 19-11-805 is amended to read as follows:
19-11-805. Negotiation of contracts.

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

(b) If the state agency or political subdivision is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The state agency or 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 state agency or political subdivision shall undertake negotiations with the third qualified firm.

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

(d) When unable to negotiate a contract for construction management, a public school district shall also perform a reevaluation of services in accordance with subsection (c) of this section."

AND

Page 15, line 32 after "SECTION" delete "10" substitute "13"

AND

Page 21, line 25 delete "advice" and substitute "review"

AND

Page 23, line 27 after "SECTION" delete "11" and substitute "14"

The Amendment was read _____

By: Representative Dangeau

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Chief Clerk