

**SUBJECT:** Rule 3.39; Bids Required for Contracted Reappraisals

**DESCRIPTION:** The revision reads as follows:

Each county that contracts reappraisal services ~~will be required to~~ shall advertise for bids for the planned reappraisal by posting a notice of such reappraisal and invitation to bid in a conspicuous place in the county courthouse and by one insertion in a newspaper with a general circulation in the county. The county shall also ~~and to~~ mail, fax, or ~~email send by~~ electronic transmission a copy of the notice/bid invitation to all companies listed on the ACD Annual Register of appraisal companies at the time of advertising. The notice/invitations to bid shall include the number of parcels, the time and date deadline for submitting bids – not less than ten (10) nor more than thirty (30) working days from the date of advertisement in the newspaper and the date the notice/invitations to bid are mailed out – and a statement that any bids submitted by a contractor that do not meet the ACD approved specifications shall be rejected by the county.

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The deadline for submitting bids and forms shall be at least ~~two hours~~ thirty (30) minutes before the scheduled time for opening. All such bids shall remain unopened and under lock, in a safe location, until the date and time for the bids be opened.

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**PUBLIC COMMENT:** The department did not hold a public hearing. They did not receive any public comments.

Matthew Miller with the Bureau of Legislative Research asked if the rule presumes that the advertisement and the mailing of the notices will be on the same day. The timeline hinges on when both are done – if it's not the same day, would the clock start on the later action? **RESPONSE:** The rule presumes the posting of the notice and the mailing of the notice to appraisal companies will occur on the same day or by the next day. The newspaper advertisement will be published either coincident with or as soon as possible after the posting/ mailing, but in all likelihood the newspaper advertisement will follow the posting/ mailing by a few days. The clock starts on the later of the actions, which will likely be the newspaper advertisement.

The proposed effective date is September 15, 2012.

**CONTROVERSY:** This is not expected to be controversial.

**FINANCIAL IMPACT:** There is no financial impact.

**LEGAL AUTHORIZATION:** Arkansas Code § 26-26-1905 provides that the Assessment Coordination Department shall develop and implement rules relating to

reappraisal procedures to be followed by counties, specifying annual objectives with respect to the discovery, listing, and valuation of real property for assessment purposes. The section authorizes the county assessor to enter into a contract for professional services with a professional reappraisal company when both the proposed contract and the reappraisal management plan submitted by the contractor have been approved by the department. The contract process is specifically excluded from state procurement law.

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**RECEIVED**

MAY 30 2012

BUREAU OF  
LEGISLATIVE RESEARCH

**MARK UP**

RULE 3.39

**BIDS REQUIRED FOR CONTRACTED REAPPRAISALS**

Each county that contracts reappraisal services ~~will be required to~~ shall advertise for bids for the planned reappraisal by posting a notice of such reappraisal and invitation to bid in a conspicuous place in the county courthouse and by one insertion in a newspaper with a general circulation in the county. The county shall also ~~and to mail, fax, or email~~ send by electronic transmission a copy of the notice/bid invitation to all companies listed on the ACD Annual Register of appraisal companies at the time of advertising. The notice/invitations to bid shall include the number of parcels, the time and date deadline for submitting bids - not less than ten (10) nor more than thirty (30) working days from the date of advertisement in the newspaper and the date the notice/invitations to bid are mailed out – and a statement that any bids submitted by a contractor that do not meet the ACD approved specifications shall be rejected by the county. The notice/invitation to bid shall also include a statement that the contractor may obtain a copy of the bid specifications by contacting the county assessor and requesting that the specifications be mailed, emailed, or faxed to him. Along with the notice/invitation the county shall include a contractor response form. The response form shall contain at least the following options for the contractor to check: 1) This contractor wishes to bid on this reappraisal and a bid is enclosed. 2) This contractor does not wish to bid on this reappraisal but wishes to receive all bid notices/invitations in the future. Space should be provided for any comments the contractor wishes to make. The response form must be signed by an authorized representative of the contractor.

All contractors receiving the notice/invitation must complete and return the response form to the county. All bid documents, even if they are only the completed response form, must be mailed or hand delivered to the county in a sealed envelope or container clearly labeled "Bid Documents." This requirement shall be a prerequisite for a contractor to remain on the ACD list of registered contractors.

The deadline for submitting bids and forms shall be at least ~~two hours~~ thirty (30) minutes before the scheduled time for opening. All such bids shall remain unopened and under lock, in a safe location, until the date and time for the bids be opened.

The county shall submit to the ACD a copy of all bids received. In the event the county chooses to employ an appraisal firm other than the firm that submits a low bid, the county assessor must submit a written narrative explaining the county's choice of firms. The narrative must be attached to the proposed appraisal contract, and explain in detail what criteria were utilized to make the decision to hire a firm other than the low bidder. Failure to comply with this rule will result in rejection of the proposed appraisal contract.

To assist counties in making judgments as to contractor's qualifications and past performance, the ACD shall provide the following information about each contractor to the assessor, county judge, equalization board, and school superintendents in each county requesting bid for reappraisal contracts:

1. Contractor Register information provided to ACD in compliance with ACD Rule 4.05, upon request.
2. The total cost of each contract that each contractor currently has in force.
3. Ratio study results in the counties where each contractor has completed reappraisal in the preceding two years.
4. The number of findings by the ACD that each contractor was out of compliance during ACD procedural audits in the preceding twenty-four (24) months.
5. The number of instances during the preceding twenty-four (24) months that each contractor has had a contract terminated or funding for the county terminated by the ACD.

Adopted 10/01/99  
Amended 12/20/00  
Amended 3/03/02  
Amended 07/05/04  
Amended 09/25/08  
Amended \_\_\_\_\_