

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S2/27/19

A Bill

HOUSE BILL 1181

5 By: Representative Wardlaw
6 By: Senator Flippo
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE PROCUREMENT OF
10 DESIGN SERVICES CONTRACTS; AND FOR OTHER PURPOSES.

Subtitle

14 TO AMEND THE LAW CONCERNING THE
15 PROCUREMENT OF DESIGN SERVICES CONTRACTS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 22-2-108(7)(A), concerning the powers and
21 duties of the Building Authority Division of the Department of Finance and
22 Administration, is amended to read as follows:

23 (7)(A) To execute contracts necessary to accomplish the purposes
24 of this chapter, including without limitation a statewide contract for design
25 services to expedite the procurement of design services by a state agency in
26 an emergency.
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28 SECTION 2. Arkansas Code Title 22, Chapter 9, Subchapter 1, is amended
29 to add an additional section to read as follows:

30 22-9-105. Poor contractual performance – Additional bids prohibited.

31 (a)(1) A firm that has an existing state contract with a state agency
32 shall not bid on any additional state contracts with a state agency if the
33 firm's existing state contract with a state agency has one (1) or more
34 material issues, including without limitation a material delay in the
35 commencement or completion of a project or a breach of contract.

36 (2)(A) If a state agency determines that an existing state



1 contract with a firm has one (1) or more material issues under this section,
2 the firm may appeal the state agency's determination to the State Procurement
3 Director.

4 (B) The decision of the State Procurement Director
5 regarding an appeal under this subsection is final and conclusive.

6 (C) The State Procurement Director shall adopt rules to
7 establish the process and procedure for appeals under this subsection.

8 (b) As used in this section, "state agency" means the same as defined
9 in § 22-2-102.

10 (c) The Director of the Department of Finance and Administration shall
11 adopt rules to provide guidance on what is considered to be a material issue
12 under subsection (a) of this section.

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14 SECTION 3. Arkansas Code § 22-9-203, concerning the award of contracts
15 for public improvements, is amended to add an additional subdivision to read
16 as follows:

17 (1) To the extent that the division includes minimum experience as
18 part of the evaluation of a bidder's responsiveness, the standard being
19 applied to the bidder's experience shall be stated in the invitation for
20 bids.

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23 /s/Wardlaw

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26 APPROVED: 3/11/19