Stricken language would be deleted from and underlined language would be added to present law. Act 281 of the Regular Session

1	State of Arkansas	As Engrossed: H2/12/15	
2	90th General Assembly	A Bill	
3	Regular Session, 2015		HOUSE BILL 1278
4			
5	By: Representative Sabin		
6			
7		For An Act To Be Entitled	
8	AN ACT TO AMEND THE PROCUREMENT LAWS CONCERNING THE		
9	EXPERIENCE REQUIRED FOR OFFERORS AND BIDDERS; AND FOR		
10	OTHER PUR	POSES.	
11			
12			
13		Subtitle	
14	TO A	AMEND THE PROCUREMENT LAWS CONCERNING	
15	THE	EXPERIENCE REQUIRED FOR OFFERORS AND	
16	BIDI	DERS.	
17			
18			
19	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKANS	AS:
20			
21		ansas Code Title 19, Chapter 11, Subcha	pter 2, is
22		litional section to read as follows:	
23	_	perience requirement.	
24		eral Assembly finds that:	
25	<u>(A)</u>	_	
26	-	require that bidders and offerors have	<u>a certain amount</u>
27	of experience to qual	-	11
28	<u>(B)</u>		
29		er or offeror rather than the key person	nel of the bidder
30	or offeror;	As a manula man husing and high	11 <i>:6:-</i> 4
31	<u>(C)</u>		
32	personnel often do not qualify to compete for state contracts even though the executives and employees of the business have the experience required; and		
33 34		-	
35 35		It is in the best interests of the st seek out the most qualified people to	_
36	and services to the s		provide produces



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HB1278

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1	(2) The General Assembly intends for this section to:		
2	(A) Encourage entrepreneurship;		
3	(B) Level the playing field for new businesses to compete		
4	for business opportunities; and		
5	(C) Enable new businesses with highly qualified personnel		
6	to compete for state contracts.		
7	(b) If an invitation for bids, a request for proposals, or a request		
8	for qualifications under this chapter requires a certain amount of experience		
9	or a certain number of years in existence for the bidder or offeror, the		
10	requirement shall be satisfied by either:		
11	(1)(A) The amount of experience of the bidder or offeror.		
12	(B) A bidder or offeror may use the combined experience of		
13	its owners or senior executive staff to satisfy the requirement under		
14	subdivision (b)(1) of this section; or		
15	(2) The combined amount of experience of the key personnel of		
16	the bidder or offeror that will be responsible for satisfying the		
17	requirements of the contract to be procured.		
18	(c)(l) However, before the issuance of an invitation for bid, request		
19	for proposal, or request for qualifications, the Office of State Procurement		
20	or a procurement agency may determine in writing that the combined experience		
21	of the key personnel of a bidder or offeror under subdivision (b)(2) of this		
22	section would be insufficient to adequately satisfy the requirements of the		
23	invitation for bids, request for proposals, or request for qualifications.		
24	(2) A written determination under subdivision (c)(l) of this		
25	section shall include the following:		
26	(A) A specific description of the products or services		
27	that the office or procurement agency seeks to procure; and		
28	(B) A detailed statement of the reasons the combined		
29	experience of the key personnel of a bidder or offeror would be insufficient.		
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31	/s/Sabin		
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34	APPROVED: 02/27/2015		
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