

TENTATIVE AGENDA
ALC-REVIEW - PROCUREMENT STUDY OF THE ARKANSAS LEGISLATIVE COUNCIL
Joint Performance Review Committee
Meeting Jointly

Monday, June 11, 2018
9:00 AM
Room A, MAC
Little Rock, Arkansas

ALC Review Subcommittee

Sen. Scott Flippo, Co-Chair
Sen. Bart Hester, Vice-Chair
Sen. Cecile Bledsoe
Sen. Linda Chesterfield
Sen. Bruce Maloch
Sen. Jim Hendren
Sen. David J. Sanders
Sen. Lance Eads
Sen. Bill Sample, ex officio
Sen. Terry Rice, ex officio

Rep. Jeff Wardlaw, Co-Chair
Rep. Bruce Cozart, Vice-Chair
Rep. Jeremy Gillam
Rep. Chris Richey
Rep. Joe Jett
Rep. Deborah Ferguson
Rep. DeAnn Vaught
Rep. Mathew W. Pitsch
Rep. Jon S. Eubanks, ex officio
Rep. Jim Dotson, ex officio

Joint Performance Review Committee

Sen. Missy Irvin, Chair
Sen. Jonathan Dismang
Sen. Jane English
Sen. Keith Ingram
Sen. Jimmy Hickey, Jr
Sen. John Cooper
Sen. Trent Garner

Rep. Mark Lowery, Chair
Rep. Reginald Murdock, Vice-Chair
Rep. Scott Baltz
Rep. Sonia Eubanks Barker
Rep. LeAnne Burch
Rep. Trevor Drown
Rep. Kenneth B. Ferguson
Rep. David Fielding
Rep. Jack Fortner
Rep. Mickey Gates

Rep. Michelle Gray
Rep. David Hillman
Rep. John Maddox
Rep. Dan Sullivan
Rep. Nelda Speaks
Rep. Josh Miller
Rep. Aaron Pilkington
Rep. Brandt Smith
Rep. Clarke Tucker

A. Call to Order

B. Comments by ALC-Review Co-Chairs
 Senator Scott Flippo
 Representative Jeff Wardlaw

C. Update from previous meeting

D. Presentations of Findings and Recommendations-Procurement Study; Ikaso Report

Ikaso Team

 Tom Arnold, Ikaso Project Director
 Matt Lewis, Ikaso Project Manager

Joi Leonard, Administrator, Legal Research and Drafting Section, Bureau of Legislative Research

Note: All exhibits for this meeting are available by electronic means and are accessible on the General Assembly's website at www.arkleg.state.ar.us

Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as *'Members and Staff Only'*.

- III-1 Draft a new statute to enable pre-proposal and pre-bid conferences.

Ikaso Section III Recommendations:

- Rec. #III-1: JLL391, Section 1; JLL391, Section 2. § 19-11-273
- Rec. #III-1(i): JLL391, Section 2. § 19-11-273(e)
- Rec. #III-1(ii): JLL391, Section 2. § 19-11-273(a)(2)
- Rec. #III-1(iii): JLL391, Section 2. § 19-11-273(c)(2)-(3)

- III-2 Enhance vendor training locally and throughout the State.

Ikaso Section III Recommendations:

- Rec. #III-2: JLL391, Section 2. § 19-11-274(1)

- III-3 Periodically poll vendors to improve the procurement process.

Ikaso Section III Recommendations:

- Rec. #III-3: JLL391, Section 2. § 19-11-274(2)

a. Questions and Discussion

b. Comments by Interested Parties regarding Section III – Vendor Education and Access**

c. Proposed Action

F. Section IX – Negotiations

Report Pages 61-64

- IX-1 Amend negotiations-related statutes to allow for Best and Final Offers (BAFOs).

Ikaso Section IX Recommendations:

- Rec. #IX-1: JLL392, Section 1. § 19-11-229(h); Section 2. § 19-11-230(e)(2)(C)

- IX-2 Amend negotiations-related rules to reduce the hurdles to negotiations.

Ikaso Section IX Recommendations:

- Rec. #IX-2: JLL392, Section 1. § 19-11-229(i); Section 3
- Rec. #IX-2(i): JLL392, Section 1. § 19-11-229(i)(2)(A); Section 3. § 19-11-229(f)(3)(A)
- Rec. #IX-2(ii): JLL392, Section 1. § 19-11-229(i)(2)(B); Section 3. § 19-11-229(f)(3)(B)

- IX-3 Amend the rules which currently require negotiations training to also require OSP to furnish negotiations training and certification.

Ikaso Section IX Recommendations:

- Rec. #IX-3: JLL392, Section 1. § 19-11-229(i)(4)

a. Questions and Discussion

b. Comments by Interested Parties regarding Section IX – Negotiations**

c. Proposed Action

- X-1 Amend Ark. Code § 19-11-244(a)(3) to make award protests due a fixed number of days after the announcement of the anticipation to award.

Ikaso Section IX Recommendations:

- Rec. #X-1: JLL390, Section 1. § 19-11-244(a)(2)

- X-2 Amend Ark. § 19-11-244 to limit the grounds of a protest and require protestors to point to facts that support their grievances on those grounds.

Ikaso Section IX Recommendations:

- Rec. #X-2: JLL390, Section 1. § 19-11-244(a)(4)

- X-3 Amend Ark. § 19-11-244 to require a protest bond to file a protest.

Ikaso Section IX Recommendations:

- Rec. #X-3: JLL390, Section 2. § 19-11-244(g)(2)

- X-4 Amend OSP Regulation R2:19-11-244 to discontinue the ability to award costs to successful protesters.

Ikaso Section IX Recommendations:

- Rec. #X-4: JLL390, Section 2. § 19-11-244(g)(1)

- X-5 Adjust contracting practices during the pendency of a protest to continue negotiations and Executive branch review while a protest is being resolved.

Ikaso Section IX Recommendations:

- Rec. #X-5: JLL390, Section 2. § 19-11-244(f)

- Rec. #X-6: JLL390, Section 1. § 19-11-244(a)(3)

G. Section X – Protests *(con't from previous page)*

- X-6 Amend Ark. Code § 19-11-244(a)(2) to clarify protest procedures for procurements which did not involve OSP.
 - a. Questions and Discussion
 - b. Comments by Interested Parties regarding Section X – Protests**
 - c. Proposed Action

H. Other Business

I. Adjournment

****To be considered for comments, please notify staff 24 hours in advance of meeting date at millerk@blr.arkansas.gov or (501)537-9150.**