

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

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**Monday, August 13, 2018**  
**9:00 AM**  
**Room A, MAC**  
**Little Rock, Arkansas**

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**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. Matthew J. Shepherd  
Rep. Chris Richey  
Rep. Joe Jett  
Rep. Deborah Ferguson  
Rep. DeAnn Vaught  
Rep. Marcus E. Richmond  
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

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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  
Lucy Morrell, Ikaso Analyst

**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](http://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'*.**

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

## E. Section VI – Procurement Instrument Selection, Preparation, and Control

Report Pages 37-45

- VI-1 Amend OSP Regulation R7:19:11-230(c) to allow clarification of proposals.

### Ikaso Section VI-1 Recommendations:

- Rec. VI-1: JLL403, Section 3(b)(1)

- VI-2 Amend OSP Regulation R9:19-11-229(3) to allow clarification of bids.

### Ikaso Section VI-2 Recommendations:

- Rec. VI-2: JLL403, Section 3(b)(1)

- VI-3 Amend OSP Regulation R1:19-11-233 to clarify emergency procurement protocol, including creating a definition of “critical emergency.”

### Ikaso Section VI-3 Recommendations:

- Rec. VI-3: JLL403, Section 3(b)(2) and (3)

- VI-4 Create new statutes to enable the use of Requests for Information (RFI) and Negotiated Bids.

### Ikaso Section VI-4 Recommendations:

- Rec. VI-4: JLL403, Section 1

- VI-5 Enhance training on specifications drafting.

### Ikaso Section VI-5 Recommendations:

- Rec. VI-5: JLL403, Section 3(a)

- VI-6 Formalize, in statute, OSP’s current rule-based practice of documentation and approval of RFQs (not including those administered under the authority of the Division of Building Authority).

### Ikaso Section VI-6 Recommendations:

- Rec. VI-6: JLL403, Section 2

- VI-7 Amend OSP Regulation R7:19-11-29 to regulate the use of cash and time discounts rather than prohibit them.

Ikaso Section VI-7 Recommendations:

- Rec. VI-7: JLL403, Section 3(b)(4)
- a. Questions and Discussion
  - b. Comments by Interested Parties regarding Section VI – Procurement Instrument Selection, Preparation, and Control\*\*
  - c. Proposed Action

**F. Section VII – Proposal/Bid Disqualification**

Report Pages 46-51

- VII-1 Validate bid and proposal rejections with applicable agencies.

Ikaso Section VII-1 Recommendations:

- Rec. VII-1: JLL404, Section 1(a)(1)(A) and (B)
  - Rec. VII-1(a): JLL404, Section 1(a)(1)(A) and (B)
  - Rec. VII-1(b): JLL404, Section 1(a)(1)(A) and (B)
  - Rec. VII-1(c): JLL404, Section 1(a)(2)
- VII-2 Amend OSP Regulation R5(b):19-11-230 so that a vendor’s previous experience working with the State, if any, is evaluated in a proposal section where all competing vendors furnish references. This ensures that experience with Arkansas is evaluated on equal footing with competitors’ experience with other states and clients.

Ikaso Section VII-2 Recommendations:

- Rec. VII-2: JLL404, Section 1(a)(1)(C) and (D)
- a. Questions and Discussion
  - b. Comments by Interested Parties regarding Section VII Proposal/Bid Disqualification\*\*
  - c. Proposed Action

- VIII-1 Correct agency-held misperceptions regarding evaluation team composition that are restricting the use of State expertise for proposal evaluation.

Ikaso Section VIII-1 Recommendations:

- Rec. VIII-1: JLL405, Section 2(a)(2) and (3)
  - Rec. VIII-1(a): JLL405, Section 2(a)(2)
  - Rec. VIII-1(b): JLL405, Section 2(a)(3)
- VIII-2 Consider the use of private sector evaluators, provided that such use is optional, controlled for conflicts of interest, deployed strategically, and not utilized in any setting that may jeopardize the availability of federal funds.

Ikaso Section VIII-2 Recommendations:

- Rec. VIII-2: JLL405, Section 2(a)(1)(A)
  - Rec. VIII-2(a): JLL405, Section 2(a)(1)(A)(ii) and Section 2(a)(1)(B)
  - Rec. VIII-2(b): JLL405, Section 2(a)(1)(A)(i)(a)
  - Rec. VIII-2(c): JLL405, Section 2(a)(1)(A)(i)(b)
- VIII-3 Formalize, in statute, the percentage of proposal scores reserved for cost.

Ikaso Section VIII-3 Recommendations:

- Rec. VIII-3: JLL405, Section 1
- VIII-4 Revise RFP training ad templates to simplify the scoring process.

Ikaso Section VIII-4 Recommendations:

- Rec. VIII-4: JLL405, Section 2(a)(5)
- VIII-5 Encourage more and better discussion at evaluation meetings.

Ikaso Section VIII-5 Recommendations:

- Rec. VIII-5: JLL405, Section 2(a)(1)(C)
- Rec. VIII-5(a): JLL405, Section 2(a)(1)(C)
- Rec. VIII-5(b): JLL405, Section 2(a)(1)(C)

## G. Section VIII – Proposal Evaluation *(con't from previous page)*

- a. Questions and Discussion
- b. Comments by Interested Parties regarding Section VIII – Proposal Evaluation\*\*
- c. Proposed Action

## H. Section XV – Design Professional and General Contractor Procurement

Report Pages 101-107

- XV-1 Continue RFQ selection process for design professionals.

### Ikaso Section XV-1 Recommendations:

- Rec. XV-1: Not in bill as no legal change is necessary

- XV-2 Consider Statewide “on call” contracts for design professionals.

### Ikaso Section XV-2 Recommendations:

- Rec. XV-2: JLL406, Section 1

- XV-3 Encourage DBA to consider including relevant experience as one of the qualifications agencies can evaluate as part of a construction bidder’s “responsiveness.”

### Ikaso Section XV-3 Recommendations:

- Rec. XV-3, JLL406, Section 3

- XV-4 Develop a program similar to one in place at the Department of Transportation whereby contractors with other State engagements cannot bid on new State projects if there are material issues with their existing State projects.

### Ikaso Section XV-4 Recommendations:

- Rec. XV-4: JLL406, Section 2

- XV-5 Correct obsolete “ABA” and “Arkansas Building Authority” references throughout the statutes and rules to “DBA” and “Division of Building Authority”.

Ikaso Section XV-5 Recommendations:

- Rec. XV-5: Not in bill as references have already been fixed in the Code
  - a. Questions and Discussion
  - b. Comments by Interested Parties regarding Section XV – Design Professional and General Contractor Procurement\*\*
  - c. Proposed Action

I. Other Business

J. Adjournment

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