



Department of Transformation and Shared Services

Governor Asa Hutchinson

Secretary Amy Fecher

Director Edward Armstrong

November 6, 2020

The Honorable Scott Flippo, Co-Chairperson  
The Honorable Andy Davis, Co-Chairperson  
Arkansas Legislative Council (ALC) Review  
State Capitol Building, Room 315  
Little Rock, Arkansas 72201

Re: Arkansas Department of Education - Request for Qualifications

Dear Senator Flippo and Representative Davis:

Arkansas Procurement Law provides for Arkansas Legislative Council review of the State Procurement Director's decision to approve an agency's request to use a Request for Qualifications (RFQ) under Ark. Code Ann. § 19-11-802(e)(1)(A). In this case, the Arkansas Department of Education has requested permission to establish a contract for hearing officers by means of an RFQ. I have determined that, based on the information ADE provided, a RFQ is the most suitable method of procurement because professional qualifications are paramount for this position and all hearing officers are paid the same contract rate, which will be identified in the RFQ. This makes market competition for price irrelevant and leaves qualifications as the most important determinative factor in selecting a hearing officer. The cost of the contract will be controlled because the rate paid is set by ADE. Used in this fashion, the RFQ merely ensures a pool of appropriately qualified hearing officers are available when needed. Accordingly, under the authority vested in me pursuant to Ark. Code Ann. § 19-11-802 (e)(1)(A), I have approved ADE's use of a RFQ to solicit a hearing officer as it has requested.

Should you have any questions, we will do our best to see that they are answered.

Respectfully,

A handwritten signature in blue ink that reads "Edward R. Armstrong".

Edward R. Armstrong  
State Procurement Director

cc: Amy Fecher  
Secretary, TSS

Ann Purvis  
Chief of Staff, TSS