

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1143

4
5 By: Representative Luker

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE SECTIONS 19-11-801 ET SEQ.
10 TO ENHANCE THE ABILITY OF THE STATE OF ARKANSAS AND ITS
11 POLITICAL SUBDIVISIONS TO PROCURE PROFESSIONAL SERVICES;
12 AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO ENHANCE THE ABILITY OF THE
16 STATE OF ARKANSAS AND ITS POLITICAL
17 SUBDIVISIONS TO PROCURE PROFESSIONAL
18 SERVICES."

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code 19-11-802(b) is amended to read as follows:

23 "(b) The political subdivision ~~shall~~ may evaluate current statements of
24 qualifications and performance data of firms on file or may request such
25 information as needed for a particular public project whenever a project
26 requiring professional services is proposed."

27
28 SECTION 2. Arkansas Code 19-11-803 is amended to read as follows:

29 "19-11-803. Evaluation of qualifications.
30 In evaluating the qualifications of each firm, the political subdivision ~~shall~~
31 may consider:

32 (1) The specialized experience and technical competence of the firm
33 with respect to the type of professional services required;

34 (2) The capacity and capability of the firm to perform the work in
35 question, including specialized services, within the time limitations fixed
36 for the completion of the project;

1 (3) The past record of performance of the firm with respect to such
 2 factors as control of costs, quality of work, and ability to meet schedules
 3 and deadlines; and

4 (4) The firm's proximity to and familiarity with the area in which the
 5 project is located."

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7 SECTION 3. Arkansas Code 19-11-804 is amended to read as follows:

8 "19-11-804. Selection.

9 The political subdivision ~~shall~~ may select three (3) qualified firms.
 10 The political subdivision ~~shall~~ may then select the firm considered the best-
 11 qualified and capable of performing the desired work and negotiate a contract
 12 for the project with the firm selected."

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14 SECTION 4. Arkansas Code 19-11-805 is amended to read as follows:

15 "19-11-805. Negotiation of contracts.

16 (a) For the basis of negotiations, the political subdivisions and the
 17 selected firm ~~shall~~ may jointly prepare a detailed, written description of the
 18 scope of the proposed services.

19 (b) If the political subdivision is unable to negotiate a satisfactory
 20 contract with the firm selected, negotiations with that firm ~~shall~~ may be
 21 terminated. The political subdivision ~~shall~~ may then undertake negotiations
 22 with another of the qualified firms selected. If there is a failing of accord
 23 with the second firm, negotiations with such firm shall be terminated. The
 24 political subdivision shall undertake negotiations with the third qualified
 25 firm.

26 (c) If the political subdivision is unable to negotiate a contract with
 27 any of the selected firms, the agency shall reevaluate the necessary
 28 professional services, including the scope and reasonable fee requirements,
 29 again compile a list of qualified firms, and proceed in accordance with the
 30 provisions of this subchapter.

31 (d) When unable to negotiate a contract for construction management, a
 32 public school district shall also perform a reevaluation of services in
 33 accordance with subsection (c) of this section."

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35 SECTION 5. All provisions of this act of a general and permanent nature
 36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 6. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 7. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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