

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1278

4
5 By: Representative Sabin

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 PURPOSES.

Subtitle

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14 TO AMEND THE PROCUREMENT LAWS CONCERNING
15 THE EXPERIENCE REQUIRED FOR OFFERORS AND
16 BIDDERS.

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

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21 SECTION 1. Arkansas Code Title 19, Chapter 11, Subchapter 2, is
22 amended to add an additional section to read as follows:

23 19-11-267. Experience requirement.

24 (a)(1) The General Assembly finds that:

25 (A) Invitations for bids and requests for proposals and
26 qualifications often require that bidders and offerors have a certain amount
27 of experience to qualify;

28 (B) These experience requirements often apply to the
29 business of the bidder or offeror rather than the key personnel of the bidder
30 or offeror;

31 (C) As a result, new businesses with highly qualified
32 personnel often do not qualify to compete for state contracts even though the
33 executives and employees of the business have the experience required; and

34 (D) It is in the best interests of the state to encourage
35 new businesses and to seek out the most qualified people to provide products
36 and services to the state.



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) The amount of experience of the bidder or offeror; or

12 (2) The combined amount of experience of the key personnel of
 13 the bidder or offeror that will be responsible for satisfying the
 14 requirements of the contract to be procured.

15 (c)(1) However, the Office of State Procurement or a procurement
 16 agency may disqualify a bidder or offeror that qualifies only under
 17 subdivision (b)(2) of this section if the office or procurement agency
 18 determines in writing that the combined experience of the key personnel of
 19 the bidder or offeror is insufficient to adequately satisfy the requirements
 20 of the invitation for bids, request for proposals, or request for
 21 qualifications.

22 (2) A written determination under subdivision (c)(1) of this
 23 section shall include the following:

24 (A) A specific description of the products or services
 25 that the office or procurement agency seeks to procure; and

26 (B) A detailed statement of the reasons the combined
 27 experience of the key personnel of the bidder or offeror is insufficient.

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