

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of Senate Bill No. 521

TO AMEND THE PROCESS AND REQUIREMENTS FOR REQUESTS FOR PROPOSALS AND REQUESTS FOR QUALIFICATIONS; TO LIMIT THE TERM OF PUBLIC CONTRACTS; AND TO REQUIRE CERTAIN DISCLOSURES IN PROCURING PUBLIC CONTRACTS.

Amendment No. 1 to Senate Bill No. 521

Amend Senate Bill No. 521 as originally introduced:

Page 5, delete lines 10 through 12, and substitute the following:

"(i) Posting the request for proposals, including a request for proposals performed outside of the Office of State Procurement, on the official website of the office; and
(ii) Any additional means of advertising deemed appropriate;"

AND

Page 5, line 15, delete "how and" and substitute "how, when, and"

AND

Page 5, delete lines 20 and 21, and substitute the following:

"(2)(A) Except as provided under subdivision (d)(2)(B) of this section, price shall receive at least thirty percent (30%) of the total weight of the evaluation factors.
(B) The total weight given to price in an evaluation may be less than thirty percent (30%) if approved by:
(i)(a) The Governor if the request for proposals is issued by a state agency.
(b) A state agency that received approval under this subdivision (d)(2)(B)(i) shall notify the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, of the total weight approved by the Governor; or
(ii) A vote of more than fifty percent (50%) of the members of the governing body of an institution of higher education or a political subdivision if the request for proposals is issued by an institution of higher education or a political subdivision."

AND



Page 6, delete line 23, and substitute the following:

"(B) Document the specific justification for any modification made to his or her scoring during or after the consensus meeting of the evaluation committee; and"

AND

Page 6, line 24, delete "(B)" and substitute "(C)"

AND

Page 8, line 12, delete "section" and substitute "section and § 24-2-618"

AND

Page 9, delete lines 20 through 24, and substitute the following:

"(4) A technology maintenance agreement or software maintenance agreement that offers a discount of at least twenty percent (20%) if paid in advance may be entered into for up to:

(A) Seven (7) years as provided under subdivision (a)(2) of this section; or

(B) Ten (10) years as provided under subdivision (a)(3) of this section."

AND

Immediately following SECTION 10, add an additional section to read as follows:

"SECTION 11. Arkansas Code § 19-11-268(b)(1), concerning the requirements for vendor performance reporting under the Arkansas Procurement Law, is amended to read as follows:

(1) Completed and submitted:

(A) At least one (1) time every ~~three (3) months~~ quarter for the entire term of the contract; and

(B) At the end of the contract;"

AND

Page 10, delete lines 1 through 26, and substitute the following:

"19-11-273. Expert evaluator – Definition.

(a)(1) As used in this section, "expert evaluator" means an individual who, through education or experience, or both, has special expertise, experience, or training in the subject matter area of the solicited procurement.

(2) An expert evaluator may be an employee, volunteer, or contractor.

(b) A state agency shall:

(1) Include at least one (1) expert evaluator on an evaluation committee for the purpose of evaluating responses to a request for proposals or a request for qualifications for a contract that:

(a) Is for services that will require a high level of

knowledge or expertise in a particular skill area; and

(b) Will have a total projected contract amount, including any amendments and possible extensions, of at least ten million dollars (\$10,000,000); or

(2) Assemble an evaluation committee composed of at least sixty percent (60%) of expert evaluators for the purpose of evaluating responses to a request for proposals or a request for qualifications for a contract that:

(a) Is for services that will require a high level of knowledge or expertise in a particular skill area; and

(b) Will have a total projected contract amount, including any amendments and possible extensions, of at least one hundred million dollars (\$100,000,000).

(c) If one (1) or more expert evaluators are used as required under subsection (b) of this section, the state agency may:

(1) Pay the cost of the expert evaluators from any funds available and authorized for that purpose; or

(2)(A) Require the payment of a fee to cover the cost of using the expert evaluators by each offeror at the time the offeror submits a response to the state agency's request for proposals or request for qualifications.

(B) If the total amount of the fees collected by the state agency for any expert evaluators required under this section exceeds the actual cost of hiring the expert evaluators, the state agency shall refund the excess fees on a pro rata basis to each offeror that paid the fee.

(d) An expert evaluator that is:

(1) Employed for the sole purpose of evaluating a solicitation under this section is exempt from § 21-3-802; or

(2) Contracted with for the sole purpose of evaluating a solicitation under this section is exempt from the Arkansas Procurement Law, § 19-11-201 et seq., and § 19-11-801 et seq."

AND

Page 11, delete line 6, and substitute the following:

"rata basis to each vendor that paid a fee.

19-11-275. Public notice of solicitation opportunities.

The Office of State Procurement shall publish a notice at least one (1) time per month in a newspaper having general circulation in the state of the website address where the public may view currently available solicitation opportunities for competitive sealed bids, competitive sealed proposals, and requests for qualifications."

AND

Page 11, line 12, delete "agencies and" and substitute "agencies, state-supported institutions of higher education, and"

AND

Page 11, delete lines 14 through 18, and substitute the following:

"(B) However, in addition to the request for

qualifications method of procurement permitted under this subchapter, competitive bidding under § 19-11-234, competitive sealed bidding under § 19-11-229, and competitive sealed proposals under § 19-11-230 may ~~shall not~~ be used for the procurement of legal, architectural, engineering, construction management, and land surveying professional consultant services if+ desired by the state agency, the state-supported institution of higher education, or the political subdivision."

AND

Page 11, delete lines 24 through 28, and substitute the following:

~~"(2) Institutions of higher education exempt from review and approval of the division shall follow procedures established by their governing boards for the procurement of architectural, engineering, land surveying, and construction management professional consultant services."~~

AND

Page 12, line 1, delete "subdivision; or" and substitute "subdivision;"

AND

Page 12, delete line 2, and substitute the following:

"(2) It is necessary to secure a qualified vendor list; or
(3) The contract being procured is one hundred percent (100%) funded by federal funds."

AND

Page 13, line 11, delete "and"

AND

Page 13, delete line 19, and substitute the following:

"to meet a scope of work specified in the request for qualifications; and
(5) "Request for qualifications" means a solicitation document requiring submittal of qualifications or specialized expertise under this subchapter in response to the scope of work or services required."

AND

Page 13, line 20, delete "may" and substitute "shall"

AND

Page 13, line 29, delete "agency" and substitute "agency, state-supported institution of higher education,"

AND

Page 13, delete lines 32 through 35, and substitute the following:

"(2) A professional person may be removed from a qualified

vendor list if the professional person:

(A) Fails to perform at a satisfactory level as determined by the state agency;

(B) Fails to provide annual statements of qualifications and performance data as requested; or

(C) Requests to be removed.

(3) If a state agency, state supported institution of higher education, or political subdivision secures a qualified vendor list under this subchapter, the state agency, state-supported institution of higher education, or political subdivision shall annually reissue the original request for qualifications and provide an opportunity for additional professional persons to be added to the qualified vendor list."

AND

Page 14, delete lines 21 through 24, and substitute the following:

"(B) If a public school district secures a qualified vendor list under this subchapter, the public school district shall reissue annually the original request for qualifications and provide an opportunity for additional professional persons to be added to the qualified vendor list."

AND

Page 15, line 11, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 15, line 25, delete "agency" and substitute "agency, a state-supported institution of higher education,"

AND

Page 15, line 26, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 15, delete lines 30 through 33, and substitute the following:

"(2) If a state agency, a state-supported institution of higher education, or a political subdivision receives fewer than three (3) responses to a request for qualifications from professional persons, the state agency, the state-supported institution of higher education, or the political subdivision shall select all qualified professional persons."

AND

Page 15, line 35, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 4, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 12, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 16, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 19, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 21, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 27, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 29, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 33, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Page 16, line 35, delete "agency" and substitute "agency, the state-supported institution of higher education,"

AND

Immediately following SECTION 13, add an additional section to read as follows:

"SECTION 14. Arkansas Code § 19-11-1013(b)(1), concerning vendor performance reporting in relation to professional and consultant services contracts, is amended to read as follows:

- (1) Completed and submitted:

(A) At least one (1) time every ~~three (3) months~~ quarter
for the entire term of the contract; and

(B) At the end of the contract;"

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Hickey

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Secretary