

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H2/12/15
A Bill

HOUSE BILL 1278

By: Representative Sabin

For An Act To Be Entitled

AN ACT TO AMEND THE PROCUREMENT LAWS CONCERNING THE
EXPERIENCE REQUIRED FOR OFFERORS AND BIDDERS; AND FOR
OTHER PURPOSES.

Subtitle

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

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

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

19-11-267. Experience requirement.

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

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

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

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

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



(2) The General Assembly intends for this section to:

(A) Encourage entrepreneurship;

(B) Level the playing field for new businesses to compete for business opportunities; and

(C) Enable new businesses with highly qualified personnel to compete for state contracts.

(b) If an invitation for bids, a request for proposals, or a request for qualifications under this chapter requires a certain amount of experience or a certain number of years in existence for the bidder or offeror, the requirement shall be satisfied by either:

(1)(A) The amount of experience of the bidder or offeror.

(B) A bidder or offeror may use the combined experience of its owners or senior executive staff to satisfy the requirement under subdivision (b)(1) of this section; or

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

(c)(1) However, before the issuance of an invitation for bid, request for proposal, or request for qualifications, the Office of State Procurement or a procurement agency may determine in writing that the combined experience of the key personnel of a bidder or offeror under subdivision (b)(2) of this section would be insufficient to adequately satisfy the requirements of the invitation for bids, request for proposals, or request for qualifications.

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

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

(B) A detailed statement of the reasons the combined experience of the key personnel of a bidder or offeror would be insufficient.

/s/Sabin