

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: S2/27/19  
**A Bill**

HOUSE BILL 1181

By: Representative Wardlaw  
By: Senator Flippo

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING THE PROCUREMENT OF  
DESIGN SERVICES CONTRACTS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING THE  
PROCUREMENT OF DESIGN SERVICES CONTRACTS.

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

SECTION 1. Arkansas Code § 22-2-108(7)(A), concerning the powers and duties of the Building Authority Division of the Department of Finance and Administration, is amended to read as follows:

(7)(A) To execute contracts necessary to accomplish the purposes of this chapter, including without limitation a statewide contract for design services to expedite the procurement of design services by a state agency in an emergency.

SECTION 2. Arkansas Code Title 22, Chapter 9, Subchapter 1, is amended to add an additional section to read as follows:

22-9-105. Poor contractual performance – Additional bids prohibited.

(a)(1) A firm that has an existing state contract with a state agency shall not bid on any additional state contracts with a state agency if the firm's existing state contract with a state agency has one (1) or more material issues, including without limitation a material delay in the commencement or completion of a project or a breach of contract.

(2)(A) If a state agency determines that an existing state



contract with a firm has one (1) or more material issues under this section, the firm may appeal the state agency's determination to the State Procurement Director.

(B) The decision of the State Procurement Director regarding an appeal under this subsection is final and conclusive.

(C) The State Procurement Director shall adopt rules to establish the process and procedure for appeals under this subsection.

(b) As used in this section, "state agency" means the same as defined in § 22-2-102.

(c) The Director of the Department of Finance and Administration shall adopt rules to provide guidance on what is considered to be a material issue under subsection (a) of this section.

SECTION 3. Arkansas Code § 22-9-203, concerning the award of contracts for public improvements, is amended to add an additional subdivision to read as follows:

(1) To the extent that the division includes minimum experience as part of the evaluation of a bidder's responsiveness, the standard being applied to the bidder's experience shall be stated in the invitation for bids.

/s/Wardlaw