

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1181

4
5 By: Representative Wardlaw
6 By: Senator Flippo

For An Act To Be Entitled

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

Subtitle

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

16
17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code § 22-2-108(7)(A), concerning the powers and
21 duties of the Building Authority Division of the Department of Finance and
22 Administration, is amended to read as follows:

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

27
28 SECTION 2. Arkansas Code Title 22, Chapter 9, Subchapter 1, is amended
29 to add an additional section to read as follows:

30 22-9-105. Poor contractual performance – Additional bids prohibited.

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

36 (b) As used in this section, "state agency" means the same as defined



1 in § 22-2-102.

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

5
6 SECTION 3. Arkansas Code § 22-9-203, concerning the award of contracts
7 for public improvements, is amended to add an additional subdivision to read
8 as follows:

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