

STATE OF ARKANSAS
Arkansas Public Service Commission
Tax Division
1000 Center St
P.O. Box 8021
Little Rock, Arkansas 72203-8021

REQUEST FOR PROPOSAL
SOLICITATION DOCUMENT

SOLICITATION INFORMATION

Solicitation Number:	RFP 25-001	Solicitation Issued:	February 21, 2025
Description:	Request for proposal (“RFP”) to engage an experienced Consulting Firm to assist the Tax Division in the appraisal of utility, communication, and transportation property and to provide advising and assistance to the Tax Division in appeals of ad valorem assessments and other matters involving unit valuation and ad valorem assessments.		
Agency:	Arkansas Public Service Commission (“APSC”) Tax Division		

SUBMISSION DEADLINE

Proposal Opening Date:	March 7, 2025	Proposal Opening Time:	10:00 a.m., Central Time
Proposal submissions for this Request for Proposal must be delivered to the Secretary of Commission’s office of the Public Service Commission on or before the submission deadline. Proposals received after the submission deadline may be rejected as untimely. See Section 1.2 for information regarding Live Bid Openings.			

DELIVERY OF RESPONSE DOCUMENTS

Delivery Address and RFP Opening Location	Arkansas Public Service Commission Attn: Secretary’s Office 1000 Center St PO Box 400 Little Rock, Arkansas 72201-0400 Delivery providers, USPS, UPS, and FedEx deliver mail to the delivery street address on a schedule determined by each individual provider. These providers will deliver based solely on the street address. Prospective Contractors assume all risk for timely, properly submitted deliveries.
Proposal’s Outer Packaging	Seal outer packaging and properly mark with the following information. If outer packaging of proposal submission is not properly marked, the package may be opened for proposal identification purposes. <ul style="list-style-type: none"> • Solicitation number • Date and time of bid opening • Prospective Contractor’s name and return address

DEPARTMENT NAME CONTACT INFORMATION

Tax Division Buyer:	Matt Cavenar	Direct Phone Number:	501-683-4050
Email Address:	Matt.Cavenar@arkansas.gov	Department Main Number:	501-682-1231

Tax Div Website:	apsc.arkansas.gov/tax-division/
------------------	--

SECTION 1 – INFORMATION AND INSTRUCTIONS

1.1 INTRODUCTION

This Request for Proposal (RFP) is issued by the [APSC Tax Division](#) to obtain pricing and a contract for a consulting firm to assist the Tax Division in the appraisal of utility, communication, and transportation property and to provide advice and assistance to the Tax Division in appeals of ad valorem assessments and other matters involving unit assessment and ad valorem assessments. The Tax Division requires the assistance of a consulting firm with specialized knowledge and expertise in unit valuation and the assessment of utility, communication, and transportation property to address petitions for review as well as the analysis of other practices and procedures relating to unit valuation.

Direct all communications regarding this Solicitation to the Buyer on page one (1) of the RFP.

1.2 LIVE PROPOSAL OPENING

Proposals will be opened at the following location:

APSC Tax Division
1000 Center St
Little Rock, Ar 72201

1.3 OBJECTIVE AND GOALS

The division seeks to increase its knowledge of Unit Valuation assessment through collaboration with a consultant that understands the highly specialized nature of the utility, communication, and transportation industries. Through this collaboration, goals would include more accurate assessment data and no lost appeals.

1.4 BACKGROUND AND CURRENT ENVIRONMENT

The Tax Division has 15 full-time employees whose primary duties are to accurately and equitably assess utility, communication, and transportation property on a fair market value basis. Most of this assessment revenue goes back to the school district/city where the property is located. In 2024, the division assessed value was approximately \$6.9 billion.

1.5 TYPE OF CONTRACT

- A. As a result of this RFP, the Department intends to award a contract to [a single Contractor](#).
- B. The anticipated starting date for any resulting contract is [July 1, 2025](#) except that the actual contract start date may be adjusted unilaterally by the State for up to three (3) calendar months. By submitting a signed proposal in response to the RFP, the Prospective Contractor represents and warrants that it will honor its proposal as being held open [as irrevocable for this period](#).
- C. The initial term of a resulting contract will be for [one \(1\)](#) year. Upon mutual agreement by the Contractor and Department, the contract may be renewed by TSS OSP for up to [six \(6\)](#) additional one-year terms or portions thereof, not to exceed a total aggregate contract term of seven (7) consecutive years.

A. DEFINITION OF TERMS

- B. "Prospective Contractor" means a responsible offeror who submits a proposal in response to this Solicitation.
- C. The terms "Request for Proposal," "RFP," and "Solicitation" are used synonymously in this document.
- D. "Requirement" means a term, condition, provision, deliverable, Specification, or a combination thereof, that is obligated under the Solicitation, resulting contract, or both.
- E. "Responsive Proposal" means a proposal submitted in response to this Solicitation that conforms in all material respects to this RFP.
- F. "Shall" and "must" mean the imperative and are used to identify Requirements.
- G. "Specification" means any technical or purchase description or other description of the physical or functional characteristics, or of the nature, of a commodity or service. "Specification" may include a

description of any Requirement for inspecting, testing, or preparing a commodity or service for delivery.

- H. "State" means the State of Arkansas. When the term "State" is used herein to reference any obligation of the State under a contract that results from this Solicitation, that obligation is limited to the Department using such a contract.

1.6 SOLICITATION SCHEDULE

For informational purposes, a Solicitation Schedule is provided below; however, dates listed and noted with an asterisk (*) are anticipated dates only and are subject to change at the discretion of the State. All times are listed in Central Time.

TABLE A: TENTATIVE SOLICITATION SCHEDULE

ACTIVITY	DATE
RFP Release to Prospective Contractors	February 21, 2025
Deadline for Prospective Contractor Questions	February 25,2025
Answers to Questions Posted to Website Location	February 28,2025
Proposal Due Date	March 6, 2025
Post Anticipation to Award*	March 10,2025
Award Contract*	March 24, 2025

1.7 CLARIFICATION OF SOLICITATION

- A. Submit questions requesting clarification of information contained
- B. in this Solicitation via [email to the Buyer on page one \(1\) of the RFP](#) by the date and time listed in Table A.
- For each question submitted, Prospective Contractor should reference the specific Solicitation item number to which the question refers.
 - Prospective Contractors' written questions will be consolidated and responded to by the State as deemed appropriate. The State's consolidated written response is anticipated to be [posted to https://www.apsc.arkansas.gov](#) by the close of business on the date provided Table A. If Prospective Contractor questions are unclear or non-substantive in nature, the State may request clarification of a question(s) or decline to answer.
- C. The Prospective Contractor should notify the Buyer of any term, condition, etc., that precludes the Prospective Contractor from submitting a compliant, Responsive Proposal. Prospective Contractors should note that it is the responsibility of the Prospective Contractor to seek resolution of all such issues, including those relating to the terms and conditions of the contract, prior to the submission of a proposal.
- D. Prospective Contractors may contact the Buyer with non-substantive questions at any time prior to the proposal opening.
- E. An oral statement by the Department will not be part of any contract resulting from this Solicitation and may not reasonably be relied on by any Prospective Contractor as an aid to interpretation unless it is reduced to writing and expressly adopted by the Department.
- F. Only an addendum written and authorized by the State will modify the Solicitation.

1.8 RESPONSE DOCUMENTS

- A. *Original Technical Proposal Packet*
- Prospective Contractors **shall** utilize the *Technical Proposal Packet* to submit their responses.
 - The following items are proposal submission requirements and **must** be submitted as a [hardcopy](#) part of a Prospective Contractor's proposal response.

- a. Original signed *Proposal Signature Page*. Signature may be ink or digital.
 - b. One original hardcopy of the Technical Proposal response to the *Information for Evaluation* section included in the *Technical Proposal Packet*, which **must** be in the English language.
 - c. One original hardcopy of the completed *Official Solicitation Price Sheet*.
 - i. Pricing **must** be proposed in U.S. dollars and cents.
 - ii. Quantities stated are estimates only and are not guaranteed. Prospective Contractor **must** submit unit price on the estimated quantity and unit of measure specified.
 - The State may order more or less than the estimated quantity on term contracts, and the Contractor **shall** sell to the Department quantities ordered at no more than the submitted price.
 - iii. If pricing documents do not allow for accurate pricing, Prospective Contractor should notify the Buyer at least seventy-two (72) hours before the proposal opening time.
 - iv. Prices **must** be firm offers and adjustments may be negotiated at the time of contract renewal/annually/quarterly or **shall not** be subject to escalation.
 - v. Discount from list pricing is not acceptable unless requested elsewhere in the Solicitation.
 - vi. State or local sales taxes should not be included in the price. Trade discounts should be deducted from the unit price and the net price should be shown in the Pricing Response
 - d. *Proposed Subcontractors Form* (see [SRV-1](#), section 14)
 - e. Copy of Prospective Contractor's *Equal Opportunity Policy*.
 - i. Pursuant to Arkansas Code Annotated § 19-11-104, OSP requires a Prospective Contractor bidding on a state contract to submit a copy of the Prospective Contractor's *Equal Opportunity (EO) Policy*.
 - ii. Prospective Contractors not required by law to have an *EO Policy* **must** submit a written statement to that effect.
3. The following items, which **must** be submitted prior to a contract award to the Prospective Contractor, may also be included with the Prospective Contractor's proposal:
- a. *EO 98-04: Contract and Grant Disclosure Form*.
 - b. *Voluntary Product Accessibility Template (VPAT)*, if applicable.
4. Prospective Contractors should not include any other documents or ancillary information, such as a cover letter or promotional/marketing information.

B. Additional copies

1. In addition to the original *Technical Proposal Packet*, the following items should be submitted:
 - a. **Three (3)** complete hardcopies (marked "COPY") of the *Technical Proposal Packet*.
 - b. **Four (4)** electronic copies of the *Technical Proposal Packet*.
 - c. One (1) electronic copy of the *Official Solicitation Price Sheet*.
 - d. One (1) redacted (marked "REDACTED") copy of the original *Technical Proposal Packet* if applicable (see *Proprietary Information*).
2. Electronic copies should be submitted on flash drives and in PDF format.
3. All additional hardcopies and electronic copies **must** be identical to the original hardcopy.
 - a. In case of a discrepancy, the original hard copy governs.

4. If the Department requests additional copies of the proposal, the copies **must** be delivered within the timeframe specified in the request.
- C. Prospective Contractors should not alter language in Solicitation document(s) or *Official Proposal Price Sheet* provided by the State.
- D. Prospective Contractor's proposals cannot be altered or amended after the proposal opening except as permitted by law or rule.
- E. Prospective Contractors may submit multiple proposals.

SECTION 2 – REQUIREMENTS

2.1 PROSPECTIVE CONTRACTOR MINIMUM QUALIFICATIONS

- A. The Prospective Contractor **shall** possess a degree in one of more of the following concentrations: accounting, finance, economics, or another business discipline.
- B. The Prospective Contractor shall have a minimum of eight years’ experience in the field of unitary appraisal.
- C. The Prospective Contractor shall be a certified appraiser by a reputable licensing board.
- D. The Prospective Contractor shall have experience providing testimony, both written and in person, in tax appeal cases before varying courts of law.
- E. The Prospective Contractor shall have detailed experience in supporting state or other taxing entity’s positions in unit valuation and assessment appeals, including testimony and cross examination.

2.2 GENERAL REQUIREMENTS

- A. The Contractor **shall** possess strong quantitative skills. This includes the ability to analyze financial data and develop inferences based on the data. An advanced understanding of financial models and the mechanics underlying models would be included.
- B. The Contractor shall possess strong communication skills and possess the ability to explain complex concepts orally and written.
- C. The Contractor shall exhibit solid time management skills and be able to meet deadlines.
- D. The Contractor shall have the ability to participate, on site, in any hearing, proceeding or conference in which the Tax Division is a party or participant.
- E. The Contractor shall disclose any potential conflicts of interest which may influence judgement, impair objectivity, or give the appearance of a conflict.

2.3 PERFORMANCE STANDARDS

- A. State law requires that qualifying contracts for services include Performance Standards for measuring the overall quality of services that a Contractor **shall** provide.
- B. The State may be open to negotiations of Performance Standards prior to contract award, prior to the commencement of services, or at times throughout the contract duration. [Table B: Performance Standards](#) identifies expected deliverables, performance measures, or outcomes; and defines the acceptable standards.
- C. Performance Standards **shall not** be amended unless they are agreed to in writing and signed by the parties.
- D. Failure to meet the minimum Performance Standards as specified will result in the assessment of damages.
- E. In the event a Performance Standard is not met, the Contractor will have the opportunity to defend or respond to the insufficiency. The State has the right to waive damages if it determines there were extenuating factors beyond the control of the Contractor that hindered the performance of services. In these instances, the State has final determination of the performance acceptability.
- F. Should any compensation be owed to the Department due to the assessment of damages, Contractor **shall** follow the direction of the Department regarding the required compensation process.

TABLE B: PERFORMANCE STANDARDS

Criteria	Standard	Damages
Delivering Appraisals	Delivering Appraisal reports to the Tax Division by the due date based on appeal procedural schedule.	<i>25% discount on hourly rate</i>

Availability for live hearings	Contractor shall be available to participate in both live and virtual hearings.	<i>Hourly rate reduced depending on amount of participation.</i>
Quality of Work	Delivering appraisals and testimony that is free of material error	<i>Correction of material error.</i>

SECTION 3 – SELECTION

3.1 SELECTION PROCESS

- A. The Department will review each *Technical Proposal Packet* to verify submission Requirements have been met. *Technical Proposals Packets* that do not meet submission Requirements will be rejected and will not be evaluated.
- B. A Department-appointed Evaluation Committee will evaluate and score qualifying Technical Proposals. Evaluation will be based on Prospective Contractor’s response to the *Information for Evaluation* section included in the *Technical Proposal Packet*.
 1. Members of the Evaluation Committee (Evaluators) will individually review and evaluate proposals and complete an Individual Score Worksheet for each proposal. Individual scoring for each Evaluation Criteria will be based on the scoring description in *Table C: Scoring Table*.

TABLE C: SCORING TABLE

QUALITY RATING	QUALITY OF RESPONSE	DESCRIPTION	CONFIDENCE IN PROPOSED APPROACH
5	Excellent	When considered in relation to the RFP evaluation factor, the proposal squarely meets the requirement and exhibits outstanding knowledge, creativity, ability or other exceptional characteristics. Extremely good.	Very High
4	Good	When considered in the relation to the RFP evaluation factor, the proposal squarely meets the requirement and is better than merely acceptable.	High
3	Acceptable	When considered in relation to the RFP evaluation factor, the proposal is of acceptable quality.	Moderate
2	Marginal	When considered in relation to the RFP evaluation factor, the proposal’s acceptability is doubtful.	Low
1	Poor	When considered in relation to the RFP evaluation factor, the proposal is inferior.	Very Low
0	Unacceptable	When considered in relation to the RFP evaluation factor, the proposal clearly does not meet the requirement. Either nothing in the proposal is responsive in relation to the evaluation factor or the proposal affirmatively shows that it is unacceptable in relation to the evaluation factor.	No Confidence

2. After initial individual evaluations are complete, the Evaluators will meet to discuss their individual ratings. At this consensus meeting, each Evaluator will be afforded an opportunity to discuss his or her rating for each evaluation criteria.
3. After Evaluators have had an opportunity to discuss their individual scores with the committee, the Evaluators will be given the opportunity to change their initial individual scores, if they feel that is appropriate.

4. The final individual scores of the Evaluators will be recorded on the Consensus Score Sheets and averaged to determine the group or consensus score and rank for each proposal.
5. Other agencies, consultants, and experts may also examine documents at the discretion of the Department.

3.2 TECHNICAL PROPOSAL SCORE

A. The *Information for Evaluation* section has been divided into subsections.

1. In each subsection, items/questions have each been assigned a maximum point value of five (5) points. The total point value for each subsection is reflected in the table below as the Maximum Raw Points Possible.
2. The Department has assigned Weighted Percentages to each subsection according to its significance.

Information for Evaluation Subsections	Maximum Raw Points Possible	Subsection's Weighted Percentage	* Maximum Weighted Score Possible
E.1 The vendor shall have detailed experience in unit valuation and appraisal of utility, communication, and transportation property.	10	30%	210
E.2 The vendor shall have exemplary experience in providing testimony, both orally and written, in ad valorem tax appeals	10	30%	210
E.3 The vendor shall demonstrate satisfactory time management practices	5	20%	140
E.4 The vendor shall have sufficient experience representing tax administrators/state agencies	5	20%	140
Total Technical Score	30	100%	700

*Subsection's Percentage Weight x Total Technical Maximum Weighted Score = Maximum Weighted Score Possible for the subsection.

B. The proposal's weighted score for each subsection will be determined using the following formula:

$$(A/B) * C = D$$

A = Actual Raw Points received for subsection in evaluation
 B = Maximum Raw Points possible for subsection
 C = Maximum Weighted Score possible for subsection
 D = Weighted Score received for subsection

C. The proposal's weighted scores for subsections will be added to determine the Total Technical Score for the proposal.

3.3 COST SCORE

A. When pricing is opened for scoring, the maximum amount of cost points will be given to the proposal with the lowest **2026-year grand total** as shown in **Table One (1)** on the completed *Official Solicitation Price Sheet*. (See *Grand Total Score* for maximum points possible for cost score.)

B. The amount of cost points given to the remaining proposals will be allocated by using the following formula:

$$(A/B) * C = D$$

A = Lowest Estimated Cost
 B = Second (third, fourth, etc.) Lowest Estimated Cost
 C = Maximum Points for Lowest Estimated Cost
 D = Total price points received

3.4 GRAND TOTAL SCORE

- A. The Technical Score and Cost Score will be added together to determine the Grand Total Score for the proposal.
- B. The Prospective Contractor’s proposal with the highest Grand Total Score will be selected as the apparent successful Contractor.
- C. The State may move forward to Discussions with those responsible Prospective Contractors determined, based on the ranking of the proposals, to be reasonably susceptible of being selected for award.

	MAXIMUM POINTS POSSIBLE
Technical Proposal	700
Cost	300
Maximum Possible Grand Total Score	1,000

3.5 DISCUSSIONS

- A. Arkansas Procurement Law allows for Discussions with responsible offerors whose proposals have been determined to be reasonably susceptible of being selected for award.
- B. The Department reserves the discretion and the right to engage in Discussions to the fullest extent permitted under Ark. Code Ann. § 19-11-230 and Office of State Procurement rules.
- C. After initial evaluation, the Department may elect to request a best and final offer (BAFO) from a competitive range of responsible Prospective Contractors determined, based on the ranking of the proposals, to be reasonably susceptible of being selected for award.

3.6 ANTICIPATION TO AWARD

- A. Once an anticipated Contractor has been determined, the anticipated award will be posted to <https://www.apsc.arkansas.gov> by the date and time listed in Table A.
 - 1. It is the responsibility of Prospective Contractors to check the [website](#) for the posting of an anticipated award.
- B. Anticipated awards will generally be posted for a period of fourteen (14) days prior to the issuance of a contract. These notices are anticipated awards only and are subject to protest.
- C. A contract resulting from this Solicitation is subject to State review and approval processes prior to award, which may include Legislative review.

3.7 PROSPECTIVE CONTRACTOR ACCEPTANCE OF EVALUATION TECHNIQUE

The submission of a *Technical Proposal Packet* signifies the Prospective Contractor’s understanding and agreement that some subjective value judgments will be made during the evaluation and scoring of the technical proposals.

SECTION 4 – SOLICITATION TERMS AND CONDITIONS

4.1 ACCEPTANCE OF REQUIREMENTS

- A. A Prospective Contractor's past performance with the State may be used to determine if the Prospective Contractor is responsible (OSP Rule R8:19-11-229).
 - 1. Proposals submitted by Prospective Contractors determined to be non-responsible will be rejected.
- B. A single Prospective Contractor **must** be identified as the prime contractor.
 - 1. The prime Contractor **shall** be responsible for the resulting contract and jointly and severally liable with any of its subcontractors, affiliates, or agents to the State for the performance thereof.
- C. By submission of a proposal, the Prospective Contractor represents and warrants:
 - 1. That the prices in the proposal have been arrived at independently, without any collusion with another competing Prospective Contractor.
 - a. Collusion violates Arkansas Procurement Law and can lead to suspension, debarment, and can be referred to the Attorney General's officer for investigation and appropriate legal action (Arkansas Code Annotated § 19-11-240 and 19-11-245).
 - 2. That the Prospective Contractor has not retained a person to solicit or secure the resulting contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies maintained by the Prospective Contractor for the purpose of securing business.
- D. Prospective Contractor should not discuss the Solicitation or proposal response, issue statements or comments, or provide interviews to public media during the Solicitation and award process.
- E. Qualifications and services **must** meet or exceed the required Specifications as set forth in the Solicitation.
- F. The State will not pay costs incurred in the preparation of a proposal.

4.2 GENERAL TERMS AND CONDITIONS

- A. The Contractor **must** be registered as a vendor to receive payment and may register online by visiting <https://www.ark.org/contractor/index.html> and clicking the *Start Here* button.
- B. All payments to the Contractor under a resulting contract **shall** be made exclusively through ACH (Automated Clearing House) direct deposit or the State's authorized VISA Procurement Card (p-card).
 - 1. The Contractor **shall** provide the necessary banking information, including account number, routing number, and any other details required to facilitate ACH direct deposits.
 - 2. The Contractor **shall** be responsible for ensuring that the provided banking information is accurate and up to date. Any delays or errors in payment caused by incorrect or outdated information provided by the Contractor **shall not** be the responsibility of the Department.
 - 3. The Department will process payments according to the agreed payment schedule, and all payments made via ACH direct deposit **shall be** considered as duly received upon successful transmission to the Contractor's designated bank account.
- C. The Contractor should be able to accept the State's p-card as a method of payment. Price changes or additional fee(s) **must not** be levied against the State when accepting the p-card as a form of payment.
- D. Pursuant to Arkansas State Procurement Law, the Contractor **shall** certify that, unless they offer to provide the goods or services for at least twenty percent (20%) less than the lowest certifying Prospective Contractor:

1. They are not engaged in and **shall not**, during the aggregate term of the resulting contract, engage in a boycott of Israel (Arkansas Code Annotated § 25-1-503),
 2. They are not engaged in and **shall not**, during the aggregate term of the resulting contract, engage in a boycott of an Energy, Fossil Fuel, Firearms, or Ammunition Industry (Arkansas Code Annotated § 25-1-1102).
- E. Pursuant to Arkansas Procurement Law, the Contractor **shall** certify that the Contractor does not knowingly employ or contract with illegal immigrants and that the Contractor **shall not** knowingly employ or contract with illegal immigrants during the aggregate term of any contract with the State or any of its departments, institutions, or political subdivisions (Arkansas Code Annotated § 19-11-105).
- F. Specifications, drawings, technical information, dies, cuts, negatives, positives, data, other such item furnished by the State to the Contractor, or a combination thereof hereunder or in contemplation hereof or developed by the Contractor for use hereunder **shall**:
1. Remain property of the State.
 2. Be kept confidential as permitted or required by law.
 3. Be used only as expressly authorized.
 4. Be returned at the Contractor's expense to the F.O.B. destination point provided by the State, as requested by the State.
 - a. The Contractor **shall** properly identify items being returned.
- G. The Contractor **shall** invoice the State as required by the Department and should not invoice the State in advance of delivery and acceptance of any goods or services (Arkansas Code Annotated § 19-4-1206).
1. The Contractor should invoice the agency by an itemized list of charges. The Department's purchase order number and/or the contract number should be referenced on each invoice.
 2. Payment will be made in accordance with applicable State of Arkansas accounting procedures upon acceptance of goods and services by the Department.
 3. Payment will be made only after the Contractor has successfully satisfied the Department as to the reliability and effectiveness of the goods or services purchased as a whole.
- H. The Prospective Contractor **shall** certify that they are not a company owned in whole or with a majority ownership by the government of the People's Republic of China (a "Scrutinized Company") and that they do not and **shall not** during the aggregate term of the resulting contract employ a Scrutinized Company as a contractor (Arkansas Code Annotated § 25-1-1203).
- I. This RFP incorporates all terms of the [Services Contract \(SRV-1\) Fillable Form \(found here\)](#).
1. A Prospective Contractor's proposal may be rejected if a Prospective Contractor takes exception to any terms, conditions, or Requirements in this RFP.
- J. The Prospective Contractor agrees and **shall** adhere to all terms, conditions, and Requirements if selected as the Contractor.
1. Items may only be modified if the legal requirement is satisfied and approved by the State during Discussions.

4.3 MINORITY AND WOMEN-OWNED BUSINESS

- A. A minority-owned business is defined by Arkansas Code Annotated § 15-4-303 as a business owned by a lawful permanent resident of this State who is:

- African American
- American Indian
- Asian American
- Hispanic American
- Pacific Islander American
- A Service-Disabled Veteran as designated by the United States Department of Veteran Affairs

- B. A women-owned business is defined by Act 1080 of the 91st General Assembly Regular Session 2017 as a business that is at least fifty-one percent (51%) owned by one (1) or more women who are lawful permanent residents of this State.
- C. The Arkansas Economic Development Commission conducts a certification process for minority-owned and women-owned businesses. If certified, the Prospective Contractor's Certification Number should be included on the *Proposal Signature Page*.

4.4 PROPRIETARY INFORMATION

- A. The release of public records is governed by the Arkansas Freedom of Information Act (Arkansas Code Annotated § 25-19-101 et. seq.).
- B. Submission documents pertaining to the Solicitation become the property of the State and are subject to the Arkansas Freedom of Information Act (FOIA).
- C. In accordance with FOIA, and to promote maximum competition in the State competitive sealed proposals, the State may maintain the confidentiality of certain types of information described in FOIA. Such information may include trade secrets and other information exempted from public disclosure pursuant to FOIA.
- D. Consistent with and to the extent permitted under FOIA, any Prospective Contractor may designate appropriate portions of a proposal as confidential by submitting a redacted copy of the proposal. By so redacting any information contained in the proposal, the Prospective Contractor warrants that, after having received such necessary or proper review by counsel or other knowledgeable advisors, it has formed a good faith opinion that the portions redacted are not considered public records under FOIA.
- E. If a Prospective Contractor deems part of the information contained in a response not to be a public record, the Prospective Contractor should submit one (1) complete copy of the submission documents from which any proprietary or confidential information has been redacted in their proposal response. Except for the redacted information, the redacted copy must be identical to the original copy, reflecting the same pagination as the original and showing the space from which information was redacted.
- F. The Prospective Contractor is responsible for identifying all proprietary information and for ensuring the electronic copy is protected against restoration of redacted data.
- G. The redacted copy will be open to public inspection under the FOIA without further notice to the Prospective Contractor. If the State deems redacted information to be subject to a public record request under FOIA, the State will endeavor to notify the Prospective Contractor prior to release of the redacted record.
- H. The State has no liability to a Prospective Contractor with respect to the disclosure of Prospective Contractor's confidential or proprietary information ordered by a court of competent jurisdiction pursuant to FOIA or other applicable law.