

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/30/23

A Bill

HOUSE BILL 1652

5 By: Representative Eaves
6 By: Senator C. Penzo
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE PROCUREMENT OF
10 PROFESSIONAL SERVICES; TO AMEND THE DEFINITIONS OF
11 "CONSTRUCTION MANAGEMENT" AND "POLITICAL SUBDIVISION"
12 FOR PURPOSES OF THE PROCUREMENT OF PROFESSIONAL
13 SERVICES; AND FOR OTHER PURPOSES.
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Subtitle

16 TO AMEND THE LAW CONCERNING THE
17 PROCUREMENT OF PROFESSIONAL SERVICES; AND
18 TO AMEND THE DEFINITIONS OF "CONSTRUCTION
19 MANAGEMENT" AND "POLITICAL SUBDIVISION"
20 FOR PURPOSES OF THE PROCUREMENT OF
21 PROFESSIONAL SERVICES.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 19-11-801(d)(2), concerning the definition
28 of "construction management" for purposes of the procurement of professional
29 services, is amended to read as follows:

30 (2) "Construction management" includes, but is not limited to:

31 (A)(i) "Agency construction management", in which a ~~public~~
32 ~~school district~~ political subdivision selects a construction manager to serve
33 as an agent for the purpose of providing administration and management
34 services.

35 (ii) The construction manager shall not hold
36 subcontracts for the project or provide project bonding for the project;



1 (B) "At-risk construction management", in which the
2 construction entity, after providing agency services during the
3 preconstruction period, serves as the general contractor and the following
4 conditions are met:

5 (i) The construction manager provides a maximum
6 guaranteed price;

7 (ii) The ~~public school district~~ political
8 subdivision holds all trade contracts and purchase orders; and

9 (iii) The portion of the project not covered by the
10 trade contracts is bonded and guaranteed by the construction manager; and

11 (C)(i) "General contractor construction management", in
12 which the construction entity, after providing agency services during the
13 preconstruction period, serves as the general contractor.

14 (ii) The general contractor shall hold all trade
15 contracts and purchase orders and shall bond and guarantee the project.

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17 SECTION 2. Arkansas Code § 19-11-801(e)(1), concerning the definitions
18 used in relation to the procurement of professional services, is amended to
19 read as follows:

20 (1) "Political subdivision" means counties, school districts,
21 cities of the first class, cities of the second class, ~~and~~ incorporated
22 towns, and all other bodies politic; and

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24 /s/Eaves

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27 **APPROVED: 4/13/23**
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