

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/24/03 S3/26/03 S4/4/03

A Bill

Act 1297 of 2003
SENATE BILL 724

5 By: Senator Madison
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For An Act To Be Entitled

9 AN ACT TO AUTHORIZE MUNICIPALITIES AND SANITATION
10 AUTHORITIES TO ENTER INTO DESIGN-BUILD-OPERATE
11 CONTRACTS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO ALLOW MUNICIPALITIES AND SANITATION
16 AUTHORITIES TO ENTER INTO DESIGN-BUILD-
17 OPERATE CONTRACTS.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 22-9-203, concerning public improvement award
22 procedures, is amended to add an additional subsection to read as follows:

23 (j)(1) Notwithstanding any other provision of law to the contrary,
24 any municipality or sanitation authority may enter into contracts with
25 private persons, firms, associations, corporations, joint ventures, or other
26 legal entity, including a combination of any of those entities, to provide
27 for the design, building, operation and maintenance of all or any portion of
28 its wastewater treatment system, storm-water treatment system, or water
29 treatment system, or any combination of those systems.

30 (2) The contracts may include provisions for the design,
31 financing, construction, repair, reconditioning, replacement, operation and
32 maintenance of the system, or any combination of such services and functions.

33 (3) Prior to entering into a contract under this section, the
34 governing authority shall solicit qualifications-based competitive sealed
35 proposals.

36 (4) The governing authority shall first establish criteria for



1 evaluation of any entity submitting proposals on the contracts for the
2 purpose of assisting the governing authority in making a review of the
3 entity's previous performance on projects of comparable nature and magnitude
4 and the environmental compliance record of the entity during the five (5)
5 years immediately preceding the execution of the contract.

6 (5) The governing authority shall take into consideration the
7 information to assist in determining the eligibility of any entity.

8 (6) The award of a contract under this section shall be made to
9 the responsible and responsive entity whose proposal is determined in writing
10 to be the most advantageous to the governmental authority, taking into
11 consideration the evaluation factors set forth in the request for proposals.

12 (7) The governing authority of the municipality or the
13 sanitation authority shall employ an appropriate license professional who is
14 independent of the contractor to monitor and perform an independent review
15 and inspection of the design-build-operate-maintenance contract, or any part
16 thereof, during its performance.

17 (8) Before soliciting proposals for a design-build-operation-
18 maintenance project, the governing authority of the municipality or the
19 sanitation authority shall employ an appropriate licensed professional to
20 perform the necessary studies and preliminary design to clearly establish the
21 parameters for the project, including:

22 (A) Acceptable processes and structural alternatives; and

23 (B) Cost estimates for the acceptable alternatives.

24 /s/ Madison

27 APPROVED: 4/14/2003

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