

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: H4/7/03 H4/11/03

# A Bill

HOUSE BILL 2601

5 By: Representative Pritchard  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR JOB ORDER CONTRACTING AND  
10 ON CALL CONTRACTOR PROCUREMENTS; AND FOR OTHER  
11 PURPOSES.  
12

### Subtitle

14 AN ACT TO PROVIDE FOR JOB ORDER  
15 CONTRACTING AND ON CALL CONTRACTOR  
16 PROCUREMENTS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 *SECTION 1. Arkansas Code Title 19, Chapter 4, Subchapter 14 is amended*  
22 *to add additional sections to read as follows:*

23 *19-4-1416. Job order contracting.*

24 *(a) For purposes of this section:*

25 *(1) "Job order contracting" means the acquisition of*  
26 *contracting services using a selection method that requires contractors to*  
27 *submit qualifications and prices based on wage rates inclusive of fringes and*  
28 *burden, plus a pricing matrix for markups on materials and subcontractors.*

29 *(2)(A) "On call contracting" means the ability of the state*  
30 *agency or institution of higher education to continue to call upon the*  
31 *successful bidder to conduct additional construction services as required by*  
32 *the state agency or institution of higher education.*

33 *(B) The contractor shall be required to bid all*  
34 *subcontractor work and the agency or the institution of higher education*  
35 *shall receive and open the bids with the contractor present at bid opening*  
36 *date.*



1           (b)(1) The agency or institution of higher education may supply all  
2 materials for the work with no additional markup if the materials may be  
3 purchased off state contracts at a lesser price than the contractor would be  
4 able to procure.

5           (c)(1)(A) After a state agency or institute of higher education has  
6 prepared appropriate scope documents and achieved appropriate reviews, it  
7 shall advertise for bids, award and file contracts for the contemplated work  
8 as identified in §§ 19-4-1401 through 19-4-1405.

9                   (B) Additional work may be awarded based upon the initial  
10 bid within the fiscal year.

11           (2)(A) The bidder may not submit a multiplier representing  
12 estimated cost inflation as part of the formal bid process.

13                   (B) The bid will represent the fixed price amount for the  
14 fiscal year.

15           (3) The most qualified bidder offering the best value for the  
16 institution shall be selected to perform the construction services identified  
17 in the construction specifications.

18           (d)(1) Job order contracting bid awards shall not extend beyond one  
19 (1) fiscal year and shall not exceed three hundred thousand dollars  
20 (\$300,000) per construction job for the first year of the contract for state  
21 agencies and institutions of higher education with education and general  
22 appropriations for the 2003 fiscal year equal or exceeding ten million  
23 (\$10,000,000), and shall not exceed one hundred thousand dollars (100,000)  
24 per construction job for agencies or institutions of higher education with  
25 education and general appropriations for the 2003 fiscal year of less than  
26 ten million (\$10,000,000).

27                   (2) However, reasonable extensions may be granted at the  
28 beginning of each new fiscal year not to exceed a total of four (4) years,  
29 if:

30                           (A) The price remains mutually agreeable to the state  
31 agency or institution of higher education and the contractor; and

32                           (B) The quality of the work is satisfactory to the state  
33 agency or institution of higher education.

34           (3) On or before the four-year threshold, the agency or  
35 institution will bid the construction service to assure competitive  
36 opportunities and lowest cost circumstances.

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*/s/ Pritchard*