

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1645

5 By: Representatives Bragg, Davis, Della Rosa, Penzo  
6 By: Senators L. Eads, J. Hutchinson  
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## For An Act To Be Entitled

9 AN ACT CONCERNING PROCUREMENT PROCEDURES FOR  
10 MUNICIPAL SEWAGE SYSTEMS; AND FOR OTHER PURPOSES.  
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## Subtitle

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13 CONCERNING PROCUREMENT PROCEDURES FOR  
14 MUNICIPAL SEWAGE SYSTEMS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 14, Chapter 235, Subchapter 2, is  
21 amended to add an additional section to read as follows:

22 14-235-226. Public improvements – Award procedure – Definitions.

23 (a) As used in this section:

24 (1) “Design-build” means a project delivery method in which the  
25 municipal sewage system acquires both design and construction services in the  
26 same contract from a single legal entity, referred to as the “design-  
27 builder”, through a process based on a combination of qualifications and  
28 price;

29 (2) “Design-builder” means an individual, partnership, joint  
30 venture, corporation, or other legal entity licensed in this state that  
31 furnishes the necessary design services and construction itself or through  
32 subcontracts; and

33 (3)(A) “General contractor construction management” means a  
34 project delivery method acquired through a qualifications-based selection  
35 process in which the municipal sewage system acquires from a construction  
36 entity a series of preconstruction phase services, including without



1 limitation design review, scheduling, cost control, value engineering,  
 2 constructability and biddability evaluation, and preparation and coordination  
 3 of bid packages.

4 (B)(i) After the completion of the preconstruction phase  
 5 services, the construction entity serves as the general contractor.

6 (ii) The general contractor under subdivision  
 7 (a)(3)(B)(i) of this section shall hold all trade contracts and purchase  
 8 orders and shall bond and guarantee the project after providing a maximum  
 9 guaranteed price, unless the general contractor and municipal sewage system  
 10 are unable to mutually agree on a maximum guaranteed price for the project  
 11 construction and which shall require the project construction to be  
 12 competitively bid as provided by law.

13 (b)(1) In addition to other applicable law on a municipal sewage  
 14 system's procurement authority, a municipal sewage system created and  
 15 operating under this chapter may use design-build construction or general  
 16 contractor construction management as a project delivery method for building,  
 17 altering, repairing, improving, maintaining, or demolishing any structure  
 18 associated with the municipal sewage system.

19 (2) The design-builder shall contract directly with  
 20 subcontractors and shall be responsible for the bonding of the project.

21 (3) A project using design-build construction or general  
 22 contractor construction management shall comply with state and federal law.

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