

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.

Act 1435 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H2/18/05

A Bill

HOUSE BILL 1682

5 By: Representatives Pyle, Overbey
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For An Act To Be Entitled

9 AN ACT TO CLARIFY BIDDING REQUIREMENTS
10 *IN CERTAIN STATUTES TO MAKE THE* REQUIREMENTS
11 CONSISTENT WITH MUNICIPAL GOVERNMENT BIDDING
12 REQUIREMENTS; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO CLARIFY BIDDING REQUIREMENTS
15 *IN CERTAIN STATUTES TO MAKE THE*
16 REQUIREMENTS CONSISTENT WITH MUNICIPAL
17 GOVERNMENT BIDDING REQUIREMENTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 14-235-207 is amended to read as follows:
24 14-235-207. Powers and duties of sewer committee.

25 (a)(1)(A) The sewer committee shall have power to take all steps and
26 proceedings and to make and enter into all contracts or agreements necessary
27 or incidental to the performance of its duties and the execution of its
28 powers under this subchapter.

29 (B) Any contract relating to the financing of the
30 acquisition or construction of any works or any trust indenture as provided
31 for in § 14-235-219 shall be approved by the municipal council before it
32 shall be effective.

33 (2) The committee may employ engineers, architects, inspectors,
34 superintendents, managers, collectors, attorneys, and such other employees
35 as, in its judgment, may be necessary in the execution of its powers and



1 duties and may fix their compensation, all of whom shall do such work as the
2 committee shall direct.

3 (3) All compensation and all expenses and liabilities incurred
4 in carrying out the provisions of this subchapter shall be paid solely from
5 funds provided under the authority of this subchapter, and the committee
6 shall not exercise or carry out any authority or power given it in this
7 subchapter so as to bind the committee or the municipality beyond the extent
8 to which money shall have been or may be provided under the authority of this
9 subchapter.

10 (4)(A) No contract or agreement with any contractor for labor or
11 material exceeding the sum of ~~ten thousand dollars (\$10,000)~~ twenty thousand
12 dollars (\$20,000) shall be made without advertising for bids.

13 (B) The bids shall be publicly opened and award made to
14 the best bidder, with power in the committee to reject any or all bids.

15 (b) After the construction, installation, and completion of the works
16 or the acquisition of them, the committee shall:

17 (1) Operate, manage, and control them and may order and complete
18 any extensions, betterments, and improvements of and to the works that it may
19 deem expedient if funds for them are available, or are made available, as
20 provided in this subchapter;

21 (2) Establish rules and regulations for the use and operation of
22 the works and of other sewers and drains connected with them so far as they
23 may affect the operation of the works; and

24 (3) Do all things necessary or expedient for the successful
25 operation of the works.

26 (c) All public ways or public works damaged or destroyed by the
27 committee in carrying out its authority under this subchapter shall be
28 restored or repaired by the committee and placed in their original condition,
29 as nearly as practicable, if requested to do so by proper authority, out of
30 funds provided by this subchapter.

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32 *SECTION 2. Arkansas Code § 14-58-303 (b), concerning purchases, is*
33 *amended to read as follows:*

34 (b)(1)(A) *The municipal governing body of any city of the first class*
35 *shall provide, by ordinance, the procedure for making all purchases which do*
36 *not exceed the sum of ~~ten thousand dollars (\$10,000)~~ twenty thousand dollars*

1 (\$20,000).

2 (B) The municipal governing body of any city of the second
3 class or incorporated town may provide, by ordinance, the procedure for
4 making all purchases.

5 (2)(A)(i) In a city of the first class, where the amount of
6 expenditure for any purpose or contract exceeds the sum of ~~ten thousand~~
7 ~~dollars (\$10,000)~~ twenty thousand dollars (\$20,000), the mayor or the mayor's
8 duly authorized representative shall invite competitive bidding thereon by
9 legal advertisement in any local newspaper.

10 (ii) Bids received pursuant to the advertisement
11 shall be opened and read on the date set for receiving the bids in the
12 presence of the mayor or the mayor's duly authorized representative.

13 (iii) The mayor or the mayor's duly authorized
14 representative shall have exclusive power to award the bid to the lowest
15 responsible bidder, but may reject any and all bids received.

16 (B) The governing body, by ordinance, may waive the
17 requirements of competitive bidding in exceptional situations where this
18 procedure is deemed not feasible or practical.

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/s/ Pyle, et al

APPROVED: 3/31/2005

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