

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 1364

"AN ACT TO CLARIFY PROFESSIONAL SERVICES AND BIDDING REQUIREMENTS
FOR COUNTIES, CITIES, AND TOWNS."

Amendment No. 3 to House Bill No. 1364.

Amend House Bill No. 1364 as engrossed, H2/10/05 (version: 02-10-2005 09:03):

Page 1, line 10, delete "FOR COUNTIES" and substitute "FOR SCHOOL DISTRICTS,
COUNTIES"

AND

Page 1, line 15, delete "FOR COUNTIES" and substitute "FOR SCHOOL DISTRICTS,
COUNTIES"

AND

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 19-11-801 is amended to read as follows:
19-11-801. Policy — Definitions.

(a) It is the policy of the State of Arkansas and its political subdivisions that state agencies and political subdivisions shall follow the procedures stated in this section, except that competitive bidding shall not be used for the procurement of legal, architectural, engineering, construction management, and land surveying professional consultant services, if:

(1) State agencies not exempt from review and approval of the Arkansas Building Authority shall follow procedures established by the authority for the procurement of architectural, engineering, land surveying, and construction management services; and

(2) Institutions of higher education exempt from review and approval of the authority shall follow procedures established by their governing boards for the procurement of architectural, engineering, land surveying, and construction management professional consultant services.

(b) Public school districts shall negotiate contracts for construction management in the same manner as set forth in subsection (a) of this section, except that a two-thirds vote of the board of directors of a public school district shall not be required for a school district to negotiate a contract for construction management.



(c) For purposes of this subchapter, political subdivisions of the state may elect to not use competitive bidding for other professional services not listed in subsection (a) of this section with a two-thirds (2/3) vote of its governing body.

(d) As used in this subchapter:

(1) "Political subdivision" means counties, school districts, cities of the first class, cities of the second class, and incorporated towns; and

(2) "Other professional services" means professional services not listed in subsection (a) of this section as defined by a political subdivision upon a two-thirds (2/3) vote of its governing body."

AND

Delete SECTION 2 in its entirety and substitute the following:

"SECTION 2. Arkansas Code § 19-11-802 is amended to read as follows:

19-11-802. Annual statements of qualifications and performance data - Restrictions on competitive bidding.

(a) In the procurement of professional services, a state agency or political subdivision which utilizes these services may encourage firms engaged in the lawful practice of these professions to submit annual statements of qualifications and performance data to the political subdivision or may request such information as needed for a particular public project.

(b) The state agency or political subdivision shall evaluate current statements of qualifications and performance data of firms on file or may request such information as needed for a particular public project whenever a project requiring professional services is proposed.

(c)(1) The political subdivision shall not use competitive bidding for the procurement of legal, architectural, engineering, construction management, and land surveying professional consulting services.

(2) A political subdivision shall not use competitive bidding for the procurement of other professional services with a two-thirds (2/3) vote of its governing body.

(d)(1) A public school district that utilizes construction management services shall encourage construction management firms to submit to the school district annual statements of qualifications and performance data or may request such information as needed for a particular public project.

(2) The public school district shall evaluate current statements of qualifications and performance data on file with the school district or when submitted as requested whenever a project requiring professional services of a construction manager is proposed.

(3) The public school district shall not use competitive bidding for the procurement of professional services of a construction manager."

AND

Immediately following SECTION 2, add an additional section to read as follows:

"SECTION 3. Arkansas Code § 19-11-806 is repealed.

~~19-11-806. Cities of the first or second class - Ordinances.~~

~~(a)(1) Any city of the first or second class, or any incorporated~~

~~town, that defines a professional service pursuant to this subchapter must do so by ordinance.~~

~~(2) Any ordinances that define a professional service must be read publicly at two (2) regularly scheduled meetings.~~

~~(3) No ordinance that defines a professional service may be adopted with an emergency clause.~~

~~(b)(1) In addition, in a city of the first or second class or an incorporated town which has delegated the operation of its water or sewer services to a board of public utilities or commission, it shall be the responsibility of that board or commission to define a professional service as used in this subchapter.~~

~~(2)(A) It shall be defined by a motion or resolution of the board or commission.~~

~~(B) The motion or resolution defining a professional service shall be read publicly at two (2) regularly scheduled meetings and shall be effective thirty (30) days after its second reading and passage."~~

The Amendment was read _____

By: Representative Overbey

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Chief Clerk