

Hall of the House of Representatives
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of House Bill No. 2210

REGULATE THE FAIRNESS AND COMPETITION IN THE BIDDING PRACTICES FOR
THE CONSTRUCTION OF PUBLICLY FUNDED BUILDINGS, INFRASTRUCTURE, AND
FACILITIES; AND FOR OTHER PURPOSES.

Amendment No. 1 to House Bill No. 2210

Amend House Bill No. 2210 as originally introduced:

Page 1, delete lines 9 through 11 and substitute the following:
"CONSTRUCTION MANAGEMENT; AND FOR OTHER PURPOSES.

AND

Page 1, delete lines 16 through 19 and substitute the following:
"CONSTRUCTION MANAGEMENT."

AND

Delete everything after the enacting clause 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 that state agencies 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, and 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, and land surveying, ~~and construction management professional consultant services~~.

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



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

~~(d)(1) As used in this section, "construction management" means a project delivery method based on an agreement in which a state agency, political subdivision, public school district, or institution of higher education acquires from a construction entity a series of services that include, but are not limited to, design review, scheduling, cost control, value engineering, constructability evaluation, preparation and coordination of bid packages, and construction administration.~~

~~(2) "Construction management" includes, but is not limited to:~~

~~(A)(i) "Agency construction management", in which a public school district selects a construction manager to serve as an agent for the purpose of providing administration and management services.~~

~~(ii) The construction manager shall not hold subcontracts for the project or provide project bonding for the project;~~

~~(B) "At-risk construction management", in which the construction entity, after providing agency services during the preconstruction period, serves as the general contractor and the following conditions are met:~~

~~(i) The construction manager provides a maximum guaranteed price;~~

~~(ii) The public school district holds all trade contracts and purchase orders; and~~

~~(iii) The portion of the project not covered by the trade contracts is bonded and guaranteed by the construction manager; and~~

~~(C)(i) "General contractor construction management", in which the construction entity, after providing agency services during the preconstruction period, serves as the general contractor.~~

~~(ii) The general contractor shall hold all trade contracts and purchase orders and shall bond and guarantee the project.~~

~~(e)(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 (b) of this section as defined by a political subdivision with a two-thirds (2/3) vote of its governing body."~~

The Amendment was read _____

By: Representative Murdock

ANS/ANS - 03/14/11 06:54

ANS141

Chief Clerk