

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4  
5 By: Senator J. Hendren  
6

# A Bill

SENATE BILL 332

## For An Act To Be Entitled

8 AN ACT TO PROVIDE OPEN AND FAIR COMPETITION FOR  
9 STATE-FUNDED WATER, WASTEWATER, AND STORM WATER  
10 DRAINAGE PROJECTS BY INCLUDING ACCEPTABLE PIPING  
11 MATERIALS IN A PROJECT BID; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO PROVIDE OPEN AND FAIR COMPETITION FOR  
16 STATE-FUNDED WATER, WASTEWATER, AND STORM  
17 WATER DRAINAGE PROJECTS BY INCLUDING  
18 ACCEPTABLE PIPING MATERIALS IN A PROJECT  
19 BID.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. DO NOT CODIFY. Legislative findings.

25 The General Assembly finds that:

26 (1) According to the United States Environmental Protection  
27 Agency, underground piping represents sixty percent (60%) of the total  
28 spending for water, wastewater, and storm water infrastructure;

29 (2) Deteriorating infrastructure and its replacement is of  
30 growing fiscal concern;

31 (3) Updating the procurement policies for water, wastewater, and  
32 storm water piping may help Arkansas and its political subdivisions ensure  
33 that state funding for underground infrastructure be more cost effective;

34 (4) A wide variety of piping materials suitable for water,  
35 wastewater, and storm water projects subject to sound engineering practices  
36 are offered in Arkansas; and



1           (5) It is in the best interest of the citizens of Arkansas to  
2 encourage open and fair competition among all the state's producers of piping  
3 materials and that such competition can produce significant cost savings for  
4 state-funded water, wastewater, and storm water drainage projects.

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6           22-9-215. Use of acceptable materials for water, wastewater, and storm  
7 water drainage projects.

8           (a) As used in this section, "acceptable piping material" means water,  
9 wastewater, or storm water pipes made using material that:

10           (1) Meets or exceeds the current standards issued by the  
11 American Society for Testing and Materials or the American Water Works  
12 Association; and

13           (2) Meets the performance requirements of the water, wastewater,  
14 and storm water drainage project.

15           (b) A state agency, political subdivision, water district, sewer  
16 district or other public or municipal corporation shall consider all  
17 acceptable piping material in determining project requirements when  
18 constructing, developing, maintaining, rebuilding, improving, repairing, or  
19 operating a water, wastewater, or storm water drainage project that receives  
20 funds from the state.

21           (c) A request for qualifications for a water, wastewater, or storm  
22 water drainage project shall not be limited to a specific brand name product  
23 or other specific type of piping material but shall allow for the use of  
24 acceptable piping material that meets or exceeds the specifications  
25 established by the project engineer.

26           (d) This section does not:

27           (1) Mandate the use of a specific type of acceptable piping  
28 material or require the use of the acceptable piping material with the lowest  
29 cost; and

30           (2) Limit the professional judgment of the project engineer to  
31 select an acceptable piping material that meets the requirements of the  
32 water, wastewater, or storm water drainage project.

33           (e) The project engineer shall not be liable for professional  
34 negligence solely on the basis of selecting an acceptable piping material  
35 that is commensurate with sound engineering practices and the requirements of  
36 the water, wastewater, or storm water drainage project.