

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S3/11/21

# A Bill

SENATE BILL 305

5 By: Senators Caldwell, *Irvin*  
6 By: Representative Holcomb  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE AWARD PROCEDURE FOR PUBLIC  
10 IMPROVEMENT CONTRACTS; AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO AMEND THE AWARD PROCEDURE FOR PUBLIC  
15 IMPROVEMENT CONTRACTS.  
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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 § 22-9-101(b)(1), concerning the requirement  
21 for observation by registered professionals on public property contracts, is  
22 amended to read as follows:

23 (1) For an engineering project does not exceed ~~twenty-five~~  
24 ~~thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000); or  
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26 SECTION 2. Arkansas Code § 22-9-201(c), concerning the award of  
27 contracts on public property, the applicability of §§ 22-9-202 – 2-9-204, and  
28 emergency contracting procedures, is amended to add an additional subdivision  
29 to read as follows:

30 (6) An emergency contract made under emergency contracting  
31 procedures under this section shall not be authorized by a county or  
32 municipality unless:

33 (A) The emergency contract is to address an unforeseen and  
34 unavoidable emergency in which human life, health, or public property is in  
35 jeopardy; and

36 (B) A written statement is attached to the emergency



1 contract that describes the emergency necessitating the emergency contract  
2 being entered into without compliance under § 22-9-203.

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4 SECTION 3. Arkansas Code § 22-9-202(b)(2)(C), concerning the statutory  
5 construction of sections regarding the award of public works contracts, is  
6 amended to read as follows:

7 (C) Construction work from one (1) or more separate  
8 contractors under separate contract or invoice so that the work is not  
9 included in calculating the bid requirement threshold of ~~thirty-five thousand~~  
10 ~~dollars (\$35,000)~~ fifty thousand dollars (\$50,000).

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12 SECTION 4. Arkansas Code § 22-9-202(c), concerning the statutory  
13 construction of sections regarding the award of public works contracts, is  
14 amended to read as follows:

15 (c) This section and §§ 22-9-203 and 22-9-204 do not amend or repeal  
16 any law that requires the publication of notice in those instances in which  
17 the estimated amount of the cost of the proposed improvements within the  
18 scope of the contract is more than ~~thirty-five thousand dollars (\$35,000)~~  
19 fifty thousand dollars (\$50,000).

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21 SECTION 5. Arkansas Code § 22-9-203(a), concerning the award procedure  
22 for public improvements, is amended to read as follows:

23 (a) Except as provided under § 14-58-105, a contract providing for the  
24 making of major repairs or alterations, for the erection of buildings or  
25 other structures, or for making other permanent improvements shall not be  
26 entered into by the state or an agency of the state or by a county,  
27 municipality, school district, or other local taxing unit with any contractor  
28 in instances in which all estimated costs of the work exceed the sum of  
29 ~~thirty-five thousand dollars (\$35,000)~~ fifty thousand dollars (\$50,000)  
30 unless:

31 (1) *The state or any agency of the state shall have first*  
32 *published notice of its intention to receive bids one (1) time each week for*  
33 *not less than two (2) consecutive weeks for projects more than the amount of*  
34 *fifty thousand dollars (\$50,000) and published notice of its intention to*  
35 *receive bids one (1) time each week for not less than one (1) week for*  
36 *projects more than the quote bid limit, as provided under the minimum*

1 *standards and criteria of the Building Authority Division, but less than or*  
2 *equal to fifty thousand dollars (\$50,000) in a newspaper of general*  
3 *circulation published in the county in which the proposed improvements are to*  
4 *be made or in a trade journal reaching the construction industry; and*

5 (2)(A) The county, municipality, school district, or other local  
6 taxing unit shall have first published notice of its intention to receive  
7 *bids one (1) time each week for not less than two (2) consecutive weeks in a*  
8 *newspaper of general circulation published in the county in which the*  
9 *proposed improvements are to be made.*

10 (B) In addition to the publication of notice required  
11 under subdivision (a)(2)(A) of this section, the county, municipality, school  
12 district, or other local taxing unit:

13 (i) May also publish notice in a trade journal  
14 reaching the construction industry; and

15 (ii) If the county, municipality, school district,  
16 or other local taxing unit is accepting electronically submitted bids, shall  
17 also post notice on the website of a vendor selected under the Fair Notice  
18 and Efficiency in Public Works Act, § 22-9-901 et seq.

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20 SECTION 6. Arkansas Code § 22-9-203(c)(2)(A)(ii) and (iii), concerning  
21 public improvement award procedures and requirements, are amended to read as  
22 follows:

23 (ii) Every bid submitted on public construction  
24 contracts for the state or any agency or department of the state is void  
25 unless accompanied by a cashier's check drawn upon a bank or trust company  
26 doing business in this state or by a corporate bid bond, except for projects  
27 under ~~thirty five thousand dollars (\$35,000)~~ fifty thousand dollars  
28 (\$50,000).

29 (iii) A bid bond is not required for public  
30 construction contracts for the state or any agency or department of the state  
31 under or equal to ~~thirty five thousand dollars (\$35,000)~~ fifty thousand  
32 dollars (\$50,000).

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34 SECTION 7. Arkansas Code § 22-9-209(a)(1), concerning advertising  
35 contracts for the renovation of historic sites, is amended to read as  
36 follows:

1 (a)(1) A contract for the altering, repairing, or renovation of a  
2 recognized historic site or structure owned by the state or with title vested  
3 in the name of a state agency or of another taxing authority in which the  
4 estimated cost of the work equals or exceeds the sum of ~~thirty-five thousand~~  
5 ~~dollars (\$35,000)~~ fifty thousand dollars (\$50,000) shall not be entered into  
6 between the state agency or taxing authority and any contractor unless the  
7 state agency or taxing authority has first published notice of intention to  
8 *receive bids for improvements one (1) time each week for not less than two*  
9 *(2) consecutive weeks in a newspaper of general circulation published in the*  
10 county in which the proposed improvements are to be made.

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13 /s/Caldwell  
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