

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S2/15/99 S2/16/99 S2/22/99*

## A Bill

Act 675 of 1999  
SENATE BILL 440

5 By: Senator D. Malone  
6 *By: Representative Scrimshire*  
7

### For An Act To Be Entitled

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9  
10 "AN ACT TO AMEND ARKANSAS CODE 22-9-203 PERTAINING TO  
11 PUBLIC IMPROVEMENTS AWARDS PROCEDURE. "

### Subtitle

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13  
14 "TO AMEND ARKANSAS CODE 22-9-203  
15 PERTAINING TO SCHOOL DISTRICT CAPITAL  
16 IMPROVEMENTS AND ALTERNATIVES. "  
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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 22-9-203(a) is amended to read as follows:

22 "(a) No contract providing for the making of major repairs or  
23 alterations for the erection of buildings or other structures, or for making  
24 other permanent improvements shall be entered into by the state, or any agency  
25 thereof, any county, municipality, school district, or other local taxing unit  
26 with any contractor in instances where all estimated costs of the work shall  
27 exceed the sum of ten thousand dollars (\$10,000) for counties and  
28 municipalities and the sum of ~~thirty thousand dollars (\$30,000)~~ fifty thousand  
29 dollars (\$50,000) for any school district unless:

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

1 newspaper of general circulation published in the county in which the proposed  
2 improvements are to be made or in a trade journal reaching the construction  
3 industry.

4 (2) Any county, municipality, school district, or other local  
5 taxing unit shall have first published notice of its intention to receive bids  
6 therefor one (1) time each week for not less than two (2) consecutive weeks in  
7 a newspaper of general circulation published in the county in which the  
8 proposed improvements are to be made or in a trade journal reaching the  
9 construction industry. ~~This sum of thirty thousand dollars (\$30,000) for any~~  
10 ~~school district is to be adjusted annually by the Director of Arkansas State~~  
11 ~~Building Services by issuing a new sum, adjusted according to the building~~  
12 ~~costs increase for the previous twelve (12) months, by June 30 of each year,~~  
13 ~~with the order stating the new sum being published in the Arkansas Register."~~  
14

15 SECTION 2. Arkansas Code 22-9-203(e) through (h) are amended to read as  
16 follows:

17 "(e) In the event that all bids submitted exceed the amount  
18 appropriated for the award of the contract ~~and if bidding on alternates was~~  
19 ~~not required by the plans and specifications,~~ the state agency or its  
20 designated representatives shall have the authority to negotiate an award with  
21 the apparent responsible low bidder, but only if the low bid is within ~~twenty~~  
22 ~~percent (20%)~~ twenty-five percent (25%) of the amount appropriated.

23 ~~(f)(1) Should the plans and specifications for the project require bids~~  
24 ~~on alternates in addition to a base bid, the alternates shall be deductive, as~~  
25 ~~distinguished from additive, and shall be set forth in the plans and~~  
26 ~~specifications in numerical order.~~

27 ~~(2) In the event that all bids submitted exceed the amount~~  
28 ~~appropriated for the award of the contract, the state agency may determine the~~  
29 ~~apparent responsible low bidder by deducting the alternates in numerical~~  
30 ~~order.~~

31 ~~(3) After making the deductions, if the cost of the project is~~  
32 ~~less than twenty percent (20%) above the amount appropriated, then, and only~~  
33 ~~in that event, the state agency may negotiate an award with the low bidder so~~  
34 ~~determined.~~

35 ~~(g)(f)~~ Whenever it is obvious from examination of the bid document that  
36 it was the intent of a bidder to submit a responsive bid, and the bid, if

1 accepted, would create a serious financial loss to the bidder because of  
2 scrivener error such as transposition of figures, the board, commission,  
3 officer, or other authority in which or in whom authority is vested has the  
4 authority to relieve the bidder from responsibility under his bond and may  
5 reject his bid.

6 ~~(h)~~(g) For projects of this state or any agency thereof "amount  
7 appropriated" within this section means funds currently available for the  
8 project as determined by the state or any agency or department of the state or  
9 county, municipality, school district or other local taxing unit, prior to the  
10 ~~solicitation~~ opening of any bids."

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12 SECTION 3. All provisions of this act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

24 /s/ D. Malone

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27 APPROVED: 3/17/1999  
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