

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.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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
25

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).

11
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).

20
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.

19
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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12
13 /s/Caldwell
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16 **APPROVED: 3/24/21**
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