



JOHN THURSTON

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ARKANSAS SECRETARY OF STATE

January 17, 2020

Ms. Marty Garrity  
Arkansas Legislative Council  
State Capitol, Room 315  
Little Rock, AR 72201

Re: Historic Sites Law Contract Advertisement and Bidding (ACA 22-9-208 through 22-9-211)  
Roof Replacement and Repairs, Arkansas State Capitol

Dear Ms. Garrity:

Pursuant to ACA 22-9-208 through 22-9-211, the Arkansas Secretary of State's Office respectfully requests that the above-referenced project be approved for contracting under provisions of the Historic Sites Law.

Listed on the National Register of Historic Places, the Arkansas State Capitol Building was constructed between 1899 and 1915, and serves not only as the seat of state government but also as a symbol of the state's history and heritage. Responsibility for maintenance and preservation of the State Capitol Building is the responsibility of the Capitol Facilities Division of the Secretary of State's Office.

In accordance with this responsibility, the Capitol Facilities Division has determined that the four (4) main roofing systems of the Capitol, located directly above the fourth floor, are in dire need of significant repair and replacement due to leaks and the expiration of warranties. The age of the existing roofing systems vary, with the oldest sections exceeding thirty (30) years.

The proposed project will consist of removal of existing roofing material, antiquated or unused curbs and vents; replacement of flashings in compliance with preservation standards; and installation of new roofing material systems and deck insulation. Estimated construction costs are approximately \$850,000.

Final design documents are anticipated to be submitted to the Division of Building Authority by the first week of February 2020. In anticipation of their approval, we are hopeful for ALC review in February.

The successful repair and replacement of the roofing systems significantly depends upon the ability of the Secretary of State's Office to select and hire qualified contractors based upon a combination of lowest responsible bid price, the bidder's experience in like work, and evaluation of the techniques they propose to employ. Also, given the age and condition of the roofing systems and the likelihood of discovering hidden damage, it is imperative that the Secretary of State be able to reimburse contractors on an actual cost basis for components which cannot be accurately predetermined before undertaking the project.

Prior to bidding this project, the Secretary of State requests approval to utilize the provisions of the Historic Sites Law.

If you have any questions or need additional information, please contact me at 501-680-0239 or email me at [kurt.naumann@sos.arkansas.gov](mailto:kurt.naumann@sos.arkansas.gov).

Sincerely,



Kurt Naumann

Director of Administration

Cc: Larry Walther, Chief Fiscal Officer, DFA  
Doran White, Construction Administrator, Division of Building Authority  
Amy Fecher, Cabinet Secretary, Department of Transformation and Shared Services  
Anne Laidlaw, Director, Division of Building Authority  
Brent Stamp, Capitol Facilities Division Director  
John Greer, WER Architects/Planners



STATE OF ARKANSAS  
**Department of Finance  
and Administration**

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February 14, 2020

Honorable John Thurston  
Arkansas Secretary of State  
State Capitol – Suite 256  
500 Woodlane Street  
Little Rock, Arkansas 72201-1094

RE: Historic Site Law Contract and Bidding Under Ark Code Ann. §§ 22-9-208  
through -211

Secretary Thurston:

This is in response to your office's January 17, 2020 letter concerning the proposed roof replacement and repairs to the Arkansas State Capitol under the authority of the Historic Sites provisions of Ark Code Ann. §§ 22-9-208 through -211. The use of the Historic Sites laws for the contracting of these improvements is predicated upon the General Assembly's determination that increased costs are associated with traditional bids for these types of structures. The Historic Sites laws allow for the selection process for these types of contracts to be awarded so that contractors are reimbursed on an actual cost basis for cost components which cannot be accurately predetermined due to the nature of the historic site.

Your letter states that the successful repair and replacement of the roofing systems depends upon the ability of your office to select and hire qualified contractors based upon a combination of lowest responsible bid price, the bidder's experience in like work, and evaluation of the techniques the contractor chooses to employ. Your letter also states that, given the age and condition of the roofing systems and the possibility of discovering hidden damage, it is imperative that your office be able to reimburse contractors on an actual cost basis for components that cannot be accurately predetermined prior to undertaking the project. Accordingly, you have requested approval from the Department of Finance and Administration (DFA) to utilize the provisions of the Historic Site laws for the above-referenced roofing replacement and repair of the State Capitol.


DFA has been provided with the letters of approval of Secretary Fecher of the Department of Transformation and Shared Services and Director Laidlaw of the Division of Building Authority. DFA has reviewed your request and has determined that the use of the Historic Sites laws for contracting of this project is appropriate and therefore has the approval of DFA.

Hon. John Thurston  
Re: Repair and Replacement of State Capitol Roof  
February 14, 2020  
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Please do not hesitate to contact me if you have any questions.

Sincerely,

  
Larry W. Walther  
Secretary

cc: Marty Garrity, Director, Bureau of Legislative Research  
Amy Fecher, Secretary, Department of Transformation and Shared Services  
Anne W. Laidlaw, Director, Division of Building Authority





**Department of Transformation and Shared Services**

Governor Asa Hutchinson

Secretary Amy Fecher

Director Anne Laidlaw

February 13, 2020

Honorable John Thurston  
Arkansas Secretary of State  
State Capitol  
500 Woodlane, Ste 256  
Little Rock, AR 72201

Re: Historic Site Request; State Capitol Roof Improvements

Dear Secretary Thurston:

I am in receipt of the Arkansas Secretary of State's (SOS) requests for the use of the Historic Site laws regarding the renovations in the above referenced building. The use of the Historic Site laws for the contracting of these improvements is predicated upon the General Assembly's determination that increased costs are associated with traditional bids for these types of structures. The Historic Site laws allow for the selection process for these types of contracts to be awarded so that contractors are reimbursed on an actual cost basis for cost components which cannot be accurately predetermined due to the nature of the historic site.

Your office states that given the age of the four main roofing systems above the fourth floor of the State Capitol and the significant work required for the roof repair of this vital area of the State Capitol, there is an inability on the part of bidders to accurately determine the extent of the work involved in the renovation of the structures and experience of this type of work along with an evaluation of the techniques to be utilized for the renovations is better suited for the Historic Site contracting as opposed to the traditional bid. I along with staff have reviewed the request and have determined the Historic Site law for contracting is appropriate under these circumstances and therefore approved.

Since DBA's approval is only one of four approvals necessary for the use of this contracting method, please let us know if we can assist you in this approval process. Your request referenced providing plan specifications to the DBA Design Review Section. There is no need for your office to submit any plan or specification for DBA review. Should your office have any questions regarding how state agencies have awarded these contracts please do not hesitate for your staff to make contact with Doran White, DBA Construction Administrator, at 682-5577 or [doran.white@dfa.arkansas.gov](mailto:doran.white@dfa.arkansas.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne W. Laidlaw".

Anne W. Laidlaw

Cc: Amy Fecher, Secretary, TSS  
Larry Walther, Secretary, DFA  
Marty Garrity, Bureau of Legislative Research



Department of Transformation and Shared Services

Governor Asa Hutchinson

Secretary Amy Fecher

February 13, 2020

Honorable John Thurston  
Arkansas Secretary of State  
State Capitol  
500 Woodlane, Ste 256  
Little Rock, AR 72201

Re: Historic Site Request; State Capitol Roof Improvements

Dear Secretary Thurston:

I am in receipt of the Arkansas Secretary of State's (SOS) requests for the use of the Historic Site laws regarding the renovations to the State Capitol. The use of the Historic Site laws for the contracting of these improvements is predicated upon the General Assembly's determination that increased costs are associated for these types of structures when process through a traditional bid. These laws allow for the contracts to be awarded to a contractor on a reimbursement of actual cost basis for cost components which cannot be accurately predetermined due to the nature of the historic site.

I have reviewed your request with the Division of Building Authority (DBA) Director, Anne W. Laidlaw. I understand that DBA has provided approval of your request earlier today. I have determined the Historic Site laws for contracting is appropriate under these circumstances and therefore approved.

Should you have any questions regarding the contracting of these contracts, please contact the DBA Construction Staff.

Sincerely,

  
Amy Fecher

Cc: Larry Walther, Secretary, DFA  
Marty Garrity, Director, Bureau of Legislative Research  
Anne W. Laidlaw, Director, DBA

Office of the Secretary

501 Woodlane, Suite 201 \* Little Rock, AR 72201 \* 501.319.6551

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