

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Representative Stephens

HOUSE BILL 1968

"AN ACT TO AMEND SECTION 2 OF ACT 869 OF 1977 [ARK. STATS. 14-654.1], SECTION 3 OF ACT 159 OF 1949, AS AMENDED [ARK. STATS. 14-613], AND SECTION 1 OF ACT 351 OF 1953, AS AMENDED [ARK. STATS. 51-632], TO CLARIFY SAID ACTS WITH RESPECT TO PUBLIC WORKS CONTRACTS IN THIS STATE; AND FOR OTHER PURPOSES."

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

SECTION 1. That Section 2 of Act 869 of 1977, the same being Section 14-654.1 of the Arkansas Statutes, is hereby amended to read as follows:

"Section 2. No contract providing for the altering, repairing or renovation of a recognized historic site or structure owned by the State of Arkansas or with title vested in the name of a state agency or of another taxing authority where the estimated cost of such work shall equal or exceed the sum of \$50,000 shall be entered into between the agency and any contractor unless the agency shall have first published notice of intention to receive bids therefor once each week for not less than two consecutive weeks in a newspaper of general circulation published in the county in which the proposed improvements are to be made, or in a trade journal reaching the construction industry. The date of publication of the last of such notices shall be not less than one week before the date affixed therein for the receipt of bids. If there be no such newspaper regularly published in the county in which the proposed work is to be done, the notices may be published in any newspaper having a general circulation in such county. Nothing in this Section contained, however, shall be construed as limiting to two (2) the number of weeks the notices may be published. All such notices shall contain a brief description on the kind or type of work contemplated, the approximate location thereof, the place at which prospective contractors may obtain plans and spe-

cifications, the date, time, and place at which sealed bids will be received, and the amount (which may be stated in a percentage) of bond required. A statement will be included notifying bidders that the proposed renovation will be contracted under authority of this Act. The Invitation for Bids will include a required resume of like restorative work performed by the contractor.

Provided, however, that no agency shall advertise for bids under the provisions of this Act without seeking the advice of the Legislative Council and the State Building Services Council."

SECTION 2. That Section 3 of Act 159 of 1949, as amended, the same being Section 14-613 of the Arkansas Statutes, is hereby amended to read as follows:

"Section 3. In each instance where the magnitude of the contemplated improvements is such that the estimated cost of the project, exclusive of the cost of the land upon which the improvements are to be located, exceed \$50,000, all general contractors, as a condition precedent to submitting a bid, shall offer an opportunity to Arkansas licensed and qualified mechanical electrical, roofing, and sheet metal contractors engaged in (a) plumbing, (b) heating, (c) ventilating, (d) air conditioning, (e) electric wiring and illuminating fixtures, and (f) roofing and sheet metal work, to submit a written quotation offering to furnish and install the items above named. In the event the specialty contractor is qualified and approved by the Contractor's Licensing Board, he may list himself as prime and/or subcontractor in one or more of the items above named. Items (a), (b), (c), and (d) only may be separate or combined under a mechanical contractor, item (e) separate under an electrical contractor, and item (f) separate under a roofing and sheet metal contractor. Thereafter, the general contractor will make a definite decision regarding the mechanical, electrical, roofing, and sheet metal contractors he intends to use as subcontractors, and place the names of each in a blank space to be provided on the proposal forms of his sealed bid, and he shall also place the name of each of the above listed subcontractors including his own estimate of that portion of the work where he lists himself as a subcontractor in a separate sealed envelope to accompany the proposal, which separate envelope shall be marked 'Subcontractor's Bids' of the general contractor submitting the proposal. This separate sealed envelope is not to be opened unless one (1) or more of the mechanical, electrical, roofing and sheet metal contractors named by the general contractor in his successful bid thereafter refuse in writing to

perform his contract, or offered contract, in which event the general contractor may substitute another subcontractor after having obtained prior approval from the architect, owner, and State Building Services; provided further, the general contractor shall submit satisfactory evidence that the substituted contractor is costing the same amount of money as shown in said separate sealed envelope or less, and if costing less that the savings will be deducted from the total contract of said general contractor and rebated to the owner; it being the intention of these provisions to assist all taxing units in obtaining the lowest possible construction cost consistent with ability and responsibility, and it shall be mandatory that the mechanical, electrical, roofing and sheet metal contractors named on the proposal bid form by the bidder awarded a contract under the provisions of Section 2 hereof be given subcontracts in keeping with their written proposals to said successful bidder to perform the items for which they were named."

SECTION 3. That Section 1 of Act 351 of 1953, as amended, the same being Section 51-632 of the Arkansas Statutes, is hereby amended to read as follows:

"Section 1. No contract in any sum exceeding \$50,000 providing for the repair, alteration, or erection of any public building, public structure or public improvement shall be entered into by the State of Arkansas, or any subdivision thereof, any county, municipality, school district, other local taxing unit, or by any agency of any of the foregoing, unless the contractor shall furnish to the party letting the contract a bond in a sum equal to the amount of the contract."

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

