

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Malone

A Bill

SENATE BILL 152

For An Act To Be Entitled

8 "AN ACT TO ADD CONSTRUCTION MANAGEMENT SERVICES AS A
9 PROFESSIONAL SERVICE SUBJECT TO THE CONTRACTING
10 PROCUREMENT REQUIREMENTS SET OUT IN ARKANSAS CODE
11 ANNOTATED §§ 19-11-801, 19-11-802 AND 19-11-805; AND FOR
12 OTHER PURPOSES."

Subtitle

15 "TO ADD CONSTRUCTION MANAGEMENT SERVICES
16 TO CONTRACTING PROCUREMENT
17 REQUIREMENTS."

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

21 SECTION 1. Arkansas Code §19-11-801 is hereby amended to read as
22 follows:

23 "19-11-801. Policy. It is the policy of the State of Arkansas and
24 political subdivisions that the state and political subdivisions shall
25 negotiate contracts for legal, architectural, engineering, construction
26 management and land surveying services on the basis of demonstrated
27 competence and qualifications for the type of services required and at fair
28 and reasonable prices and to prohibit the use of competitive bidding for the
29 procurement of professional services."

31 SECTION 2. Arkansas Code §19-11-802 is hereby amended to read as
32 follows:

33 "19-11-802. Annual statements of qualifications and performance data -
34 Restrictions on competitive bidding.

35 (a) In the procurement of legal, architectural, engineering,

1 construction management or land surveying services, a political subdivision
2 which utilizes such services shall encourage firms engaged in the lawful
3 practice of these professions to submit annual statements of qualifications
4 and performance data to the political subdivision.

5 (b) The political subdivision shall evaluate current statements of
6 qualifications and performance data of firms on file whenever a project
7 requiring professional services from a lawyer, architect, engineer,
8 construction manager or land surveyor is proposed.

9 (c) The political subdivision shall not use competitive bidding for
10 the procurement of professional services of a lawyer, architect, engineer,
11 construction manager or land surveyor."
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13 SECTION 3. Arkansas Code §19-11-805 is hereby amended to read as
14 follows:

15 "19-11-805. Negotiation of contracts.

16 (a) For the basis of negotiations, the political subdivisions and the
17 selected firm shall jointly prepare a detailed, written description of the
18 scope of the proposed services.

19 (b) If the political subdivision is unable to negotiate a satisfactory
20 contract with the firm selected, negotiations with that firm shall be
21 terminated. The political subdivision shall then undertake negotiations with
22 another of the qualified firms selected. If there is a failing of accord
23 with the second firm, negotiations with such firm shall be terminated. The
24 political subdivision shall undertake negotiations with the third qualified
25 firm.

26 (c) If the political subdivision is unable to negotiate a contract
27 with any of the selected firms, the agency shall reevaluate the necessary
28 legal, architectural, engineering, construction management or land surveying
29 services, including the scope and reasonable fee requirements, again compile
30 a list of qualified firms, and proceed in accordance with the provisions of
31 this subchapter."
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33 SECTION 4. All provisions of this act of a general and permanent
34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
35 Code Revision Commission shall incorporate the same in the Code.

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SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

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