

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas

As Engrossed: H2/21/01

83rd General Assembly

A Bill

Regular Session, 2001

HOUSE BILL 1536

By: Representative Dangeau

For An Act To Be Entitled

AN ACT TO AMEND THE BIDDING PROCEDURES FOR PUBLIC
CAPITOL IMPROVEMENTS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO AMEND THE BIDDING PROCEDURES
FOR PUBLIC CAPITOL IMPROVEMENTS.

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

SECTION 1. *Arkansas Code 22-9-203(f) through (h), pertaining to the award procedures for contracts on public improvements, is amended to read as follows:*

(f)(1) In the event that all bids submitted exceed the amount appropriated for the award of the contract, and if bidding on alternates was not required by the plans and specifications, the county, municipality, school district or other local taxing unit shall have the authority to negotiate an award with the apparent responsible low bidder, but only if the low bid is within twenty-five percent (25%) of the amount appropriated.

(2) If the plans and specifications for the project require bids on alternates in addition to a base bid, there shall be no more than three (3) alternates and the alternates shall:

(A) Be deductive; and

(B) Be set forth in the plans and specifications in numerical order.

(3) If all bids submitted exceed the amount appropriated for the award of the contract, the county, municipality, school district, or other local taxing unit may determine the apparent responsible low bidder by

1 deducting the alternates in numerical order.

2 (4) After making the deductions, if the cost of the project is
3 less than twenty-five percent (25%) above the amount appropriated, then and
4 only in that event, the county, municipality, school district, or other local
5 taxing unit may negotiate an award with the low bidder so determined.

6 ~~(f)~~(g) Whenever it is obvious from examination of the bid document that
7 it was the intent of a bidder to submit a responsive bid and the bid, if
8 accepted, would create a serious financial loss to the bidder because of
9 scrivener error such as transposition of figures, the board, commission,
10 officer, or other authority in which or in whom authority is vested has the
11 authority to relieve the bidder from responsibility under his bond and may
12 reject his bid.

13 ~~(g)~~(h) For projects of this state or any agency of the state, "amount
14 appropriated" within this section means funds currently available for the
15 project as determined by the state or any agency or department of the state or
16 any county, municipality, school district, or other local taxing unit prior to
17 the opening of any bids.

18 ~~(h)~~(i) No contract providing for the making of major repairs, or
19 alterations, for the erection of buildings or other structures, or for making
20 other permanent improvements shall be entered into by the state, any agency of
21 the state, any county, municipality, school district, or other local taxing
22 unit with any contractor in instances where all estimated costs of the work
23 shall exceed the sum of seventy-five thousand dollars (\$75,000) unless the bid
24 documents contain statements which encourage the participation of small,
25 minority, and women's business enterprises.

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27 /s/ Dangeau
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