

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1364

4
5 By: Representatives Overbey, Medley
6
7

For An Act To Be Entitled

8
9 AN ACT TO CLARIFY PROFESSIONAL SERVICES AND
10 BIDDING REQUIREMENTS FOR CITIES AND TOWNS; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO CLARIFY PROFESSIONAL SERVICES
15 AND BIDDING REQUIREMENTS FOR CITIES AND
16 TOWNS.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

23 (a) It is the policy of the State of Arkansas and its political
24 subdivisions that state agencies and political subdivisions shall follow the
25 procedures stated in this section, except that competitive bidding shall not
26 be used for the procurement of legal, architectural, engineering,
27 construction management, and land surveying professional consultant services,
28 if:

29 (1) State agencies not exempt from review and approval of the
30 Arkansas Building Authority shall follow procedures established by the
31 authority for the procurement of architectural, engineering, land surveying,
32 and construction management services; and

33 (2) Institutions of higher education exempt from review and
34 approval of the authority shall follow procedures established by their
35 governing boards for the procurement of architectural, engineering, land
36 surveying, and construction management professional consultant services.



1 (b) Public school districts shall negotiate contracts for construction
 2 management in the same manner as set forth in subsection (a) of this section,
 3 except that a two-thirds vote of the board of directors of a public school
 4 district shall not be required for a school district to negotiate a contract
 5 for construction management.

6 (c) For purposes of this subchapter, cities of the first class, cities
 7 of the second class, and incorporated towns may by ordinance define
 8 professional services to include legal, architectural, engineering, land
 9 surveying, and other consulting services as the political subdivision shall
 10 designate by two-thirds (2/3) vote of its governing body.

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

13 19-11-802. Annual statements of qualifications and performance data -
 14 Restrictions on competitive bidding.

15 (a) In the procurement of professional services, a state agency or
 16 political subdivision which utilizes these services may encourage firms
 17 engaged in the lawful practice of these professions to submit annual
 18 statements of qualifications and performance data to the political
 19 subdivision or may request such information as needed for a particular public
 20 project.

21 (b) The state agency or political subdivision shall evaluate current
 22 statements of qualifications and performance data of firms on file or may
 23 request such information as needed for a particular public project whenever a
 24 project requiring professional services is proposed.

25 (c)(1) The political subdivision shall not use competitive bidding for
 26 the procurement of legal, architectural, engineering, construction
 27 management, and land surveying professional consulting services.

28 (2) However, a city of the first class, city of the second
 29 class, or an incorporated town shall not use competitive bidding for the
 30 procurement of legal, architectural, engineering, construction management,
 31 land surveying professional consulting services, and other consulting
 32 services defined as professional services by a city of the first class, city
 33 of the second class, or an incorporated town.

34 (d)(1) A public school district that utilizes construction management
 35 services shall encourage construction management firms to submit to the
 36 school district annual statements of qualifications and performance data or

1 may request such information as needed for a particular public project.

2 (2) The public school district shall evaluate current statements
3 of qualifications and performance data on file with the school district or
4 when submitted as requested whenever a project requiring professional
5 services of a construction manager is proposed.

6 (3) The public school district shall not use competitive bidding
7 for the procurement of professional services of a construction manager.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36