

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  
4

As Engrossed: H2/8/05  
**A Bill**

HOUSE BILL 1364

5 By: Representatives Overbey, Medley  
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8 **For An Act To Be Entitled**

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

13 **Subtitle**

14 AN ACT TO CLARIFY PROFESSIONAL SERVICES  
15 AND BIDDING REQUIREMENTS *FOR COUNTIES,*  
16 *CITIES, AND TOWNS.*  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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, counties, cities of the first  
7 class, cities of the second class, and incorporated towns may by ordinance  
8 define professional services to include legal, architectural, engineering,  
9 land surveying, and other consulting services as the political subdivision  
10 shall designate by two-thirds (2/3) vote of its governing body.

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

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*/s/ Overbey, et al*

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