

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: H3/1/05
A Bill

HOUSE BILL 2012

5 By: Representative Mathis
6 By: Senator T. Smith
7
8

9 **For An Act To Be Entitled**

10 AN ACT CONCERNING THE QUALIFICATIONS FOR BIDDERS
11 AND SUPPLIERS ON CAPITAL IMPROVEMENT PROJECTS;
12 AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT CONCERNING THE QUALIFICATIONS FOR
16 BIDDERS AND SUPPLIERS ON CAPITAL
17 IMPROVEMENT PROJECTS.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 19-4-1405, concerning bidding procedures,
23 is amended to add an additional subsection to read as follows:

24 (f)(1) State agencies shall not require in plans or specifications
25 that a bidder or supplier:

26 (A) Hold membership in any professional or industry
27 associations, societies, trade groups, or similar organizations;

28 (B) Possess certification from any professional or
29 industry associations, societies, trade groups, or similar organizations as
30 steel building fabricators; or

31 (C) Be endorsed by any professional or industry
32 associations, societies, trade groups, or similar organizations.

33 (2) However, plans and specifications may include or reference
34 standards adopted by professional or industry associations, societies, trade
35 groups, or similar organizations.
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1 SECTION 2. Arkansas Code § 19-4-1413(b), concerning provisions
2 applicable to projects constructed with private funds, is amended to read as
3 follows:

4 (b) Notwithstanding anything in this subsection to the contrary, the
5 provisions of § 19-4-1405(f), §§ 22-9-301 - 22-9-315, §§ 22-9-401 - 22-9-404,
6 §§ 22-9-501 - 22-9-505, §§ 22-9-601 - 22-9-604, and §§ 22-9-701 - 22-9-702
7 shall remain in full force and effect and not be affected hereby.

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9 SECTION 3. Arkansas Code § 19-4-1415(h)(6)(B)(iii), concerning
10 projects exceeding five million dollars, is amended to read as follows:

11 (iii) Notwithstanding anything in this subsection to
12 the contrary, the provisions of §§ 19-4-1405(f), 19-4-1413, 19-11-801, 22-9-
13 101, 22-9-103, 22-9-104, 22-9-213, 22-9-301 et seq., 22-9-401 et seq., 22-9-
14 501 et seq., 22-9-601 et seq., and 22-9-701 et seq. shall remain in full
15 force and effect and not be affected hereby.

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17 SECTION 4. Arkansas Code § 22-9-203, concerning public improvements
18 generally and award procedures, is amended to read as follows:

19 (k)(1) The state, an agency of the state, a county, a municipality, a
20 school district, or other local taxing unit shall not require in plans or
21 specifications that a bidder or supplier:

22 (A) Hold membership in any professional or industry
23 associations, societies, trade groups, or similar organizations;

24 (B) Possess certification from any professional or
25 industry associations, societies, trade groups, or similar organizations as
26 steel building fabricators; or

27 (C) Be endorsed by any professional or industry
28 associations, societies, trade groups, or similar organizations.

29 (2) However, plans and specifications may include or reference
30 standards adopted by professional or industry associations, societies, trade
31 groups, or similar organizations.

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33 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that requirements in plans and
35 specifications which require bidders and suppliers to hold membership in
36 certain professional organizations limit the number of eligible bidders and

1 suppliers for projects; that by requiring bidders and suppliers to hold
2 membership in professional organizations, an entity may increase the
3 possibility of certain bidders and suppliers receiving projects, which is an
4 inequitable outcome; and that the state of Arkansas and its citizens will
5 benefit from enhanced competition for bidders and suppliers on public
6 construction projects. Therefore, an emergency is declared to exist and this
7 act being immediately necessary for the preservation of the public peace,
8 health, and safety shall become effective on:

9 (1) The date of its approval by the Governor;

10 (2) If the bill is neither approved nor vetoed by the Governor,
11 the expiration of the period of time during which the Governor may veto the
12 bill; or

13 (3) If the bill is vetoed by the Governor and the veto is
14 overridden, the date the last house overrides the veto.

15 /s/ Mathis
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