

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

SENATE BILL 1092

4
5 By: Senator Altes
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For An Act To Be Entitled

8
9 AN ACT TO CLARIFY ARKANSAS LAWS CONCERNING
10 CONSTRUCTION MANAGEMENT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO CLARIFY ARKANSAS LAWS
14 CONCERNING CONSTRUCTION MANAGEMENT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 19-11-801 is amended to read as follows:
20 19-11-801. Policy.

21 (a)(1) As used in this section, "construction management" means a
22 project delivery method based on an agreement in which a state agency,
23 political subdivision, public school district, or institution of higher
24 education acquires from a construction entity a series of services that
25 include, but are not limited to, design review, scheduling, cost control,
26 value engineering, constructability evaluation, preparation and coordination
27 of bid packages, and construction administration.

28 (2) "Construction management" includes, but is not limited to:

29 (A)(i) "Agency construction management", in which a public
30 school district selects a construction manager to serve as an agent for the
31 purpose of providing administration and management services.

32 (ii) The construction manager shall not hold
33 subcontracts for the project or provide project bonding for the project;

34 (B) "At-risk construction management", in which the
35 construction entity, after providing agency services during the
36 preconstruction period, serves as the general contractor and the following



1 conditions are met:

2 (i) The construction manager provides a maximum
3 guaranteed price;

4 (ii) The public school district holds all trade
5 contracts and purchase orders; and

6 (iii) The portion of the project not covered by the
7 trade contracts is be bonded and guaranteed by the construction manager; and

8 (C)(i) "General contractor construction management", in
9 which the construction entity, after providing agency services during the
10 preconstruction period, serves as the general contractor.

11 (ii) The general contractor shall hold all trade
12 contracts and purchase orders and shall bond and guarantee the project.

13 ~~(a)~~(b) It is the policy of the State of Arkansas and its political
14 subdivisions that state agencies and political subdivisions shall follow the
15 procedures stated in this section, except that competitive bidding shall not
16 be used for the procurement of legal, architectural, engineering,
17 construction management, and land surveying professional consultant services,
18 if:

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

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

27 ~~(b)~~(c) Public school districts shall negotiate contracts for
28 construction management in the same manner as set forth in subsection ~~(a)~~(b)
29 of this section, except that a two-thirds vote of the board of directors of a
30 public school district shall not be required for a school district to
31 negotiate a contract for construction management.

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33 SECTION 2. EMERGENCY CLAUSE. It is hereby found and determined by the
34 General Assembly of the State of Arkansas that the Arkansas Supreme Court has
35 determined that current public school facilities in Arkansas are inadequate
36 and inequitable; that the clarification of construction management as a

1 project delivery method will increase the construction options of public
2 schools entering into construction projects to improve their school
3 facilities and assist in the process of improving current school facilities;
4 and that the improvements to public school facilities through the use of
5 construction management will ultimately benefit public school students and
6 the state of Arkansas. 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.

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