

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: S3/17/05 S3/29/05

# A Bill

SENATE BILL 1093

5 By: Senators Altes, Broadway, Horn  
6 By: Representatives Walters, Glidewell  
7  
8

## For An Act To Be Entitled

10 AN ACT CONCERNING THE USE OF DESIGN-BUILD  
11 CONSTRUCTION BY PUBLIC SCHOOL DISTRICTS; AND FOR  
12 OTHER PURPOSES.  
13

### Subtitle

15 AN ACT CONCERNING THE USE OF DESIGN-  
16 BUILD CONSTRUCTION BY PUBLIC SCHOOL  
17 DISTRICTS.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code Title 19, Chapter 11, Subchapter 8 is amended  
23 to add an additional section to read as follows:

24 19-11-807. Design-build construction.

25 (a) As used in this section:

26 (1) "Design-build" means a project delivery method in which the  
27 school district acquires both design and construction services in the same  
28 contract from a single legal entity, referred to as the design-builder,  
29 without competitive bidding;

30 (2)(A) "Design-builder" means any individual, partnership, joint  
31 venture, corporation, or other legal entity that is appropriately licensed in  
32 the State of Arkansas and that furnishes the necessary design services, in  
33 addition to the construction of the work, whether by itself or through  
34 subcontracts, including, but not limited to, subcontracts for architectural  
35 services, landscape architectural services, and engineering services.

36 (B) Architectural services, landscape architectural



1 services, and engineering services shall be performed by an architect,  
2 landscape architect, or engineer licensed in the State of Arkansas.

3 (C) Construction contracting shall be performed by a  
4 contractor qualified and licensed under Arkansas law.

5 (3) "Design-build contract" means the contract between the  
6 school district and a design-builder to furnish the architecture,  
7 engineering, and related services as required and to furnish the labor,  
8 materials, and other construction services for the same project.

9 (b)(1) Any school district may use design-build construction as a  
10 project delivery method for the building, altering, repairing, improving,  
11 maintaining, or demolishing of any structure, or any improvement to real  
12 property owned by a school district.

13 (2) The design-builder shall contract directly with  
14 subcontractors and shall be responsible for the bonding of the project.

15 (3) Projects using design-build construction shall comply with  
16 state and federal law.

17 (c) The Division of Public School Academic Facilities and  
18 Transportation shall develop and promulgate rules consistent with the  
19 provisions of this section concerning the use of design-build construction by  
20 school districts.

21  
22 /s/ Altes  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36