

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 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 297

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

8
9 AN ACT TO AMEND PROVISIONS OF ARKANSAS LAW
10 CONCERNING ALTERNATIVE NEGOTIATED PURCHASING FOR
11 MUNICIPALITIES; AND FOR OTHER PURPOSES.
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Subtitle

13
14 AN ACT TO AMEND PROVISIONS OF ARKANSAS
15 LAW CONCERNING ALTERNATIVE NEGOTIATED
16 PURCHASING FOR MUNICIPALITIES.
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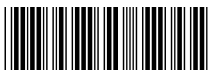
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-58-1001 is amended to read as follows:
22 14-58-1001. Projects exceeding ~~two~~ one million dollars.

23 (a) In the event funds from any sources for a municipal project other
24 than revenues derived from a performance-based efficiency project exceed ~~two~~
25 ~~million dollars (\$2,000,000)~~ one million dollars (\$1,000,000), excluding the
26 cost of land, the provisions of this subchapter and all other provisions of
27 the Arkansas Code of 1987 Annotated governing construction of public
28 facilities, including, but not limited to, the provisions of § 22-9-201 et
29 seq. at the election of municipalities shall not be applicable to the project
30 if the selection and contracting process set forth in this section is
31 followed.

32 (b)(1) The selection procedures for the construction manager, general
33 contractor, architect, or engineer shall provide for solicitation for
34 qualified, licensed professionals to submit proposals.

35 (2) The procedures shall assure the design and completion of the
36 project in an expeditious manner while adhering to high standards of design



1 and construction quality.

2 (3) A municipality shall:

3 (A) Publish notice of its intention to receive written
4 proposals three (3) consecutive days in a newspaper of local distribution;

5 (B) Allow a minimum of ten (10) working days from the
6 first date of publication for the professionals to send letters or resumes in
7 response to the newspaper advertisement; and

8 (C) Provide additional means of notification, if any, as
9 the municipality shall determine is appropriate.

10 (c)(1)(A) A preselection committee which shall be composed of at least
11 three (3) members from the municipality shall review the proposals.

12 (B) The preselection committee shall select a maximum of
13 five (5) applicants and schedule interviews.

14 (C) The municipality shall notify the finalists of their
15 status.

16 (2)(A) The final selection committee shall be composed of the
17 members on the preselection committee.

18 (B) The final interviews shall be held at the times and
19 dates designated by the final selection committee.

20 (C) In selecting a general contractor, construction
21 manager, architect, or engineer, the municipality shall consider established
22 criteria, which shall include, but not be limited to, the following:

23 (i) The experience of the professional or
24 professionals in similar projects;

25 (ii) The record of the professional or professionals
26 in timely completion of the projects with high quality workmanship; and

27 (iii) Other similar matters to determine that the
28 professional or professionals will complete the project within the time and
29 budget and to the specifications set by the municipality.

30 (3)(A) The final selection committee shall make a formal
31 recommendation to its governing body of the professional or professionals
32 whom it determines to be in the best interest of the municipality.

33 (B)(i) Contracts for architectural, engineering, and land
34 surveying professional consultant services shall be negotiated on the basis
35 of demonstrated competence and qualifications for the type of services
36 required and at fair and reasonable prices without the use of competitive

1 bidding.

2 (ii) No rule or regulation shall inhibit a
3 municipality's authority to negotiate fees for the services.

4 (d)(1) Construction contracts for the projects shall not be entered
5 into without a payment and performance bond in the amount of the contract and
6 any amendments thereto and shall provide for the manner in which the
7 construction shall be managed and supervised.

8 (2) All project architects and engineers shall be properly
9 licensed in accordance with the Arkansas State Board of Architects and the
10 Arkansas State Board of Engineers.

11 (3) The construction manager or general contractor shall be
12 properly licensed by the Contractors Licensing Board.

13 (4)(A) All subcontractors on the project shall be properly
14 licensed by the Contractors Licensing Board.

15 (B) Any person who is not considered a contractor under §
16 17-25-101 et seq. may continue to perform subcontracting work under the
17 provisions of this subchapter.

18 (e) The funds may be represented in whole or in part by a written
19 pledge or commitment from a donor, provided that the municipality shall
20 assure itself of the financial stability of the donor to fulfill the pledge
21 or commitment.

22 (f)(1) All projects constructed pursuant to this section, to the
23 extent applicable, shall be in accordance and compliance with:

24 (A) Section 17-38-101 et seq., regulating plumbers;

25 (B) Section 17-33-101 et seq., regulating the heating,
26 ventilation, air conditioning, and refrigeration industry;

27 (C) The Fire Prevention Act, § 12-13-101 et seq.;

28 (D) Section 12-80-101 et seq., regarding earthquake
29 resistant design for public structure;

30 (E) Americans with Disabilities Act Accessibility
31 Guidelines, 28 C.F.R. pt. 36, App. A, adopted by the authority; and

32 (F) The minimum standards of the authority and criteria
33 pertaining to projects constructed under this section.

34 (2) Notwithstanding anything in this section to the contrary,
35 the provisions of §§ 19-11-801, 22-9-101, 22-9-103, 22-9-104, and 22-9-213, §
36 22-9-301 et seq., § 22-9-401 et seq., § 22-9-501 et seq., § 22-9-601 et seq.,

1 § 22-9-701 et seq., and all competitive bidding statutes shall remain in full
2 force and effect and not be affected hereby.

3 (3) This section shall not authorize a design-build project
4 contract.

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