

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
4

As Engrossed: H3/23/07

A Bill

SENATE BILL 297

5 By: Senator Altes
6 *By: Representatives Medley, Glidewell*
7

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.
12

Subtitle

13
14 AN ACT TO AMEND PROVISIONS OF ARKANSAS
15 LAW CONCERNING ALTERNATIVE NEGOTIATED
16 PURCHASING FOR MUNICIPALITIES.
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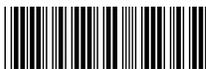
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-58-1001 is amended to read as follows:
23 14-58-1001. Projects exceeding ~~two~~ one million dollars.

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

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

36 (2) The procedures shall assure the design and completion of the



1 project in an expeditious manner while adhering to high standards of design
2 and construction quality.

3 (3) A municipality shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (B)(i) Contracts for architectural, engineering, and land
35 surveying professional consultant services shall be negotiated on the basis
36 of demonstrated competence and qualifications for the type of services

1 required and at fair and reasonable prices without the use of competitive
2 bidding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (2) Notwithstanding anything in this section to the contrary,
36 the provisions of §§ 19-11-801, 22-9-101, 22-9-103, 22-9-104, and 22-9-213, §

1 22-9-301 et seq., § 22-9-401 et seq., § 22-9-501 et seq., § 22-9-601 et seq.,
2 § 22-9-701 et seq., and all competitive bidding statutes shall remain in full
3 force and effect and not be affected hereby.

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

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/s/ Altes

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