

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 409

5 By: Senator Flippo  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE PURCHASING REQUIREMENTS AND  
9 PROCEDURES FOR CERTAIN ENTITIES; TO ALLOW FOR THE  
10 ELECTRONIC NOTIFICATION OF AN INVITATION FOR BIDS AND  
11 THE ELECTRONIC SUBMISSION OF BIDS; TO REQUIRE CERTAIN  
12 ENTITIES TO ACCEPT THE ELECTRONIC SUBMISSION OF BIDS;  
13 AND FOR OTHER PURPOSES.  
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## Subtitle

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17 TO ALLOW FOR THE ELECTRONIC NOTIFICATION  
18 OF AN INVITATION FOR BIDS AND THE  
19 ELECTRONIC SUBMISSION OF BIDS; AND TO  
20 REQUIRE CERTAIN ENTITIES TO ACCEPT THE  
21 ELECTRONIC SUBMISSION OF BIDS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 14-22-101(2), concerning the definitions  
27 used in relation to county purchasing procedures, is amended to read as  
28 follows:

29 (2) "Formal bidding" means the procedure to be followed in the  
30 solicitation and receipt of sealed bids, including without limitation a  
31 procedure allowing vendors the option of submitting bids through a secure,  
32 interactive electronic system selected by the county as an optional delivery  
33 method for bids of vendors, wherein:

34 (A) Notice shall be given of the date, time, and place of  
35 opening of bids, and the names or a brief description and the specifications  
36 of the commodities for which bids are to be received, by placing one (1)



1 insertion in a newspaper with a general circulation in the county or by  
2 posting notice on a website selected by the county to receive bids through a  
3 secure, interactive electronic system, not less than ten (10) days nor more  
4 than thirty (30) days ~~prior to~~ before the date fixed for opening ~~such the~~  
5 bids;

6 (B)(i) Not less than ten (10) days in advance of the date  
7 fixed for opening the bids, notices and bid forms shall be furnished to all  
8 eligible bidders on the bid list for the class of commodities on which bids  
9 are to be received, and to all others requesting them.

10 (ii) The notice required under subdivision (2)(B)(i)  
11 of this section may be provided by posting the required notices and bid forms  
12 on a website selected by the county to receive bids through a secure,  
13 interactive electronic system; and

14 (C) At least ten (10) days in advance of the date fixed  
15 for opening bids, a copy of the notice of invitation to bid shall be posted  
16 in a conspicuous place in the county courthouse or on a website selected by  
17 the county to receive bids through a secure, interactive electronic system;  
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19 SECTION 2. Arkansas Code § 14-22-108, concerning county bidding  
20 procedure, is amended to add an additional subsection to read as follows:

21 (d) A county shall accept both written bids and bids submitted through  
22 a secure, interactive electronic system selected by the county as an optional  
23 delivery method for bids of vendors.  
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25 SECTION 3. Arkansas Code § 14-58-303(b)(2)(A)(i), concerning purchases  
26 and contracts by cities and incorporated towns, is amended to read as  
27 follows:

28 (2)(A)(i) Except as provided under § 14-58-104, in a city of the  
29 first class ~~where~~ in which the amount of expenditure for any purpose or  
30 contract exceeds the sum of twenty thousand dollars (\$20,000), the mayor or  
31 the mayor's authorized representative shall invite competitive bidding on the  
32 purpose or contract by publishing a legal advertisement in any local  
33 newspaper or by posting an advertisement on a website selected by the city to  
34 receive bids through a secure, interactive electronic system.  
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36 SECTION 4. Arkansas Code § 14-58-303(b)(2)(C), concerning purchases

1 and contracts by cities and incorporated towns, is amended to read as  
2 follows:

3 (C)(i) Cities To provide options to vendors, a city of the  
4 first class, ~~cities~~ and a city of the second class, ~~and~~ shall accept bids in  
5 the following forms:

- 6 (a) Written; and
- 7 (b) Electronic media using a secure,
- 8 interactive electronic system selected by the city to receive bids.

9 (ii) An incorporated ~~towns~~ town may accept  
10 competitive bids in the following forms:

- 11 ~~(i)~~(a) Written; or
- 12 ~~(ii)~~(b) Electronic media using a secure,
- 13 interactive electronic system selected by the incorporated town to receive
- 14 bids.

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16 SECTION 5. Arkansas Code § 22-9-203(a) and (b), concerning contracts  
17 for public improvements, are amended to read as follows:

18 (a) Except as provided under § 14-58-105, a contract providing for the  
19 making of major repairs or alterations, for the erection of buildings or  
20 other structures, or for making other permanent improvements shall not be  
21 entered into by the state or an agency of the state or by a county,  
22 municipality, school district, or other local taxing unit with any contractor  
23 in instances in which all estimated costs of the work exceed the sum of  
24 thirty-five thousand dollars (\$35,000) unless:

25 (1) The state or any agency of the state shall have first  
26 published notice of its intention to receive bids; ~~one~~

27 (A) For projects more than fifty thousand dollars  
28 (\$50,000):

29 (i) One (1) time each week for not less than two (2)  
30 consecutive weeks ~~for projects more than the amount of fifty thousand dollars~~  
31 ~~(\$50,000) and published notice of its intention to receive bids one (1) time~~  
32 ~~each week for not less than one (1) week for~~ in a newspaper of general  
33 circulation published in the county in which the proposed improvements are to  
34 be made or in a trade journal reaching the construction industry; or

35 (ii) For two (2) consecutive weeks on a website  
36 selected by the state or the agency of the state to receive bids through a

1 secure, interactive electronic system; and

2 (B) For projects more than the quote bid limit, as  
 3 provided under the minimum standards and criteria of the Building Authority  
 4 Division of the Department of Finance and Administration, but less than or  
 5 equal to fifty thousand dollars (\$50,000);

6 (i) One (1) time each week for at least one (1) week  
 7 in a newspaper of general circulation published in the county in which the  
 8 proposed improvements are to be made or in a trade journal reaching the  
 9 construction industry; or

10 (ii) For one (1) week on a website selected by the  
 11 state or the agency of the state to receive bids through a secure,  
 12 interactive electronic system; and

13 (2) ~~Any~~ The county, municipality, school district, or other  
 14 local taxing unit shall have first published notice of its intention to  
 15 receive bids; ~~one~~

16 (A) One (1) time each week for not less than two (2)  
 17 consecutive weeks in a newspaper of general circulation published in the  
 18 county in which the proposed improvements are to be made or in a trade  
 19 journal reaching the construction industry; or

20 (B) For two (2) consecutive weeks on a website selected by  
 21 the county, municipality, school district, or other local taxing unit to  
 22 receive bids through a secure, interactive electronic system.

23 (b)(1) The date of publication of the last notice shall be not less  
 24 than one (1) week before the day fixed ~~therein~~ in the notice for the receipt  
 25 of bids.

26 (2) If there is no newspaper regularly published in the county  
 27 in which the proposed work is to be done, the notices may be published in any  
 28 newspaper having a general circulation in the county or on a website selected  
 29 by the state, agency of the state, county, municipality, school district, or  
 30 other local taxing unit to receive bids through a secure, interactive  
 31 electronic system.

32 (3) ~~Nothing in this section shall be construed as limiting~~ This  
 33 section does not limit to two (2) the number of weeks the notices may be  
 34 published for projects over ~~the amount of~~ fifty thousand dollars (\$50,000),  
 35 ~~limiting limit~~ limit to one (1) the number of weeks the notices may be published  
 36 for projects more than the quote bid limit, as provided under subsection (a)

1 of this section, and less than or equal to fifty thousand dollars (\$50,000),  
2 ~~and as limiting or limit~~ to two (2) the number of weeks the notices may be  
3 published for all other projects.

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5 SECTION 6. Arkansas Code § 22-9-203(c)(1), concerning contracts for  
6 public improvements, is amended to read as follows:

7 (c)(1) All notices shall contain:

8 (A) A brief description of the kind or type of work  
9 contemplated;

10 (B) The approximate location ~~thereof~~ of the work  
11 contemplated;

12 (C) The place at which prospective bidders may obtain  
13 plans and specifications, including a website selected to receive bids for  
14 the state, agency of the state, county, municipality, school district, or  
15 other local taxing unit through a secure, interactive electronic system from  
16 which prospective bidders may download the plans and specifications;

17 (D) The date, time, and place at which sealed bids will be  
18 received, including notice of the option to submit bids through a secure,  
19 interactive electronic system selected to receive bids for the state, agency  
20 of the state, county, municipality, school district, or other local taxing  
21 unit;

22 (E) The amount, which may be stated in a percentage, of  
23 the bid bond required;

24 (F) A statement of the taxing unit's reservation of the  
25 right to reject any or all bids and to waive any formalities; and

26 (G) Such other pertinent facts or information which to it  
27 may appear necessary or desirable.

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