

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1652

5 By: Representative Eaves
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE PROCUREMENT OF
9 PROFESSIONAL SERVICES; TO AMEND THE DEFINITIONS OF
10 "CONSTRUCTION MANAGEMENT" AND "POLITICAL SUBDIVISION"
11 FOR PURPOSES OF THE PROCUREMENT OF PROFESSIONAL
12 SERVICES; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO AMEND THE LAW CONCERNING THE
16 PROCUREMENT OF PROFESSIONAL SERVICES; AND
17 TO AMEND THE DEFINITIONS OF "CONSTRUCTION
18 MANAGEMENT" AND "POLITICAL SUBDIVISION"
19 FOR PURPOSES OF THE PROCUREMENT OF
20 PROFESSIONAL SERVICES.
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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 § 19-11-801(d)(2), concerning the definition
27 of "construction management" for purposes of the procurement of professional
28 services, is amended to read as follows:

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

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

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

36 (B) "At-risk construction management", in which the



1 construction entity, after providing agency services during the
 2 preconstruction period, serves as the general contractor and the following
 3 conditions are met:

4 (i) The construction manager provides a maximum
 5 guaranteed price;

6 (ii) The ~~public school district~~ political
 7 subdivision holds all trade contracts and purchase orders; and

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

10 (C)(i) “General contractor construction management”, in
 11 which the construction entity, after providing agency services during the
 12 preconstruction period, serves as the general contractor.

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

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 16 SECTION 2. Arkansas Code § 19-11-801(e)(1), concerning the definitions
 17 used in relation to the procurement of professional services, is amended to
 18 read as follows:

19 (1) “Political subdivision” means counties, school districts,
 20 cities of the first class, cities of the second class, ~~and~~ incorporated
 21 towns, and all other bodies politic; and