

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S3/11/21
A Bill

SENATE BILL 305

By: Senators Caldwell, *Irvin*
By: Representative Holcomb

For An Act To Be Entitled

AN ACT TO AMEND THE AWARD PROCEDURE FOR PUBLIC
IMPROVEMENT CONTRACTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE AWARD PROCEDURE FOR PUBLIC
IMPROVEMENT CONTRACTS.

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

SECTION 1. Arkansas Code § 22-9-101(b)(1), concerning the requirement for observation by registered professionals on public property contracts, is amended to read as follows:

(1) For an engineering project does not exceed ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000); or

SECTION 2. Arkansas Code § 22-9-201(c), concerning the award of contracts on public property, the applicability of §§ 22-9-202 – 2-9-204, and emergency contracting procedures, is amended to add an additional subdivision to read as follows:

(6) An emergency contract made under emergency contracting procedures under this section shall not be authorized by a county or municipality unless:

(A) The emergency contract is to address an unforeseen and unavoidable emergency in which human life, health, or public property is in jeopardy; and

(B) A written statement is attached to the emergency



contract that describes the emergency necessitating the emergency contract being entered into without compliance under § 22-9-203.

SECTION 3. Arkansas Code § 22-9-202(b)(2)(C), concerning the statutory construction of sections regarding the award of public works contracts, is amended to read as follows:

(C) Construction work from one (1) or more separate contractors under separate contract or invoice so that the work is not included in calculating the bid requirement threshold of ~~thirty-five thousand dollars (\$35,000)~~ fifty thousand dollars (\$50,000).

SECTION 4. Arkansas Code § 22-9-202(c), concerning the statutory construction of sections regarding the award of public works contracts, is amended to read as follows:

(c) This section and §§ 22-9-203 and 22-9-204 do not amend or repeal any law that requires the publication of notice in those instances in which the estimated amount of the cost of the proposed improvements within the scope of the contract is more than ~~thirty-five thousand dollars (\$35,000)~~ fifty thousand dollars (\$50,000).

SECTION 5. Arkansas Code § 22-9-203(a), concerning the award procedure for public improvements, is amended to read as follows:

(a) Except as provided under § 14-58-105, a contract providing for the making of major repairs or alterations, for the erection of buildings or other structures, or for making other permanent improvements shall not be entered into by the state or an agency of the state or by a county, municipality, school district, or other local taxing unit with any contractor in instances in which all estimated costs of the work exceed the sum of ~~thirty-five thousand dollars (\$35,000)~~ fifty thousand dollars (\$50,000) unless:

(1) *The state or any agency of the state shall have first published notice of its intention to receive bids one (1) time each week for not less than two (2) consecutive weeks for projects more than the amount of fifty thousand dollars (\$50,000) and published notice of its intention to receive bids one (1) time each week for not less than one (1) week for projects more than the quote bid limit, as provided under the minimum*

standards and criteria of the Building Authority Division, but less than or equal to fifty thousand dollars (\$50,000) in a newspaper of general circulation published in the county in which the proposed improvements are to be made or in a trade journal reaching the construction industry; and

(2)(A) The county, municipality, school district, or other local taxing unit shall have first published notice of its intention to receive bids one (1) time each week for not less than two (2) consecutive weeks in a newspaper of general circulation published in the county in which the proposed improvements are to be made.

(B) In addition to the publication of notice required under subdivision (a)(2)(A) of this section, the county, municipality, school district, or other local taxing unit:

(i) May also publish notice in a trade journal reaching the construction industry; and

(ii) If the county, municipality, school district, or other local taxing unit is accepting electronically submitted bids, shall also post notice on the website of a vendor selected under the Fair Notice and Efficiency in Public Works Act, § 22-9-901 et seq.

SECTION 6. Arkansas Code § 22-9-203(c)(2)(A)(ii) and (iii), concerning public improvement award procedures and requirements, are amended to read as follows:

(ii) Every bid submitted on public construction contracts for the state or any agency or department of the state is void unless accompanied by a cashier's check drawn upon a bank or trust company doing business in this state or by a corporate bid bond, except for projects under ~~thirty five thousand dollars (\$35,000)~~ fifty thousand dollars (\$50,000).

(iii) A bid bond is not required for public construction contracts for the state or any agency or department of the state under or equal to ~~thirty five thousand dollars (\$35,000)~~ fifty thousand dollars (\$50,000).

SECTION 7. Arkansas Code § 22-9-209(a)(1), concerning advertising contracts for the renovation of historic sites, is amended to read as follows:

(a)(1) A contract for the altering, repairing, or renovation of a recognized historic site or structure owned by the state or with title vested in the name of a state agency or of another taxing authority in which the estimated cost of the work equals or exceeds the sum of ~~thirty-five thousand dollars (\$35,000)~~ fifty thousand dollars (\$50,000) shall not be entered into between the state agency or taxing authority and any contractor unless the state agency or taxing authority has first published notice of intention to *receive bids for improvements one (1) time each week for not less than two (2) consecutive weeks in a newspaper of general circulation published in the county in which the proposed improvements are to be made.*

/s/Caldwell

APPROVED: 3/24/21