

Stricken language would be deleted from and underlined language would be added to present law.
Act 818 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/30/23

A Bill

HOUSE BILL 1652

By: Representative Eaves

By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE PROCUREMENT OF PROFESSIONAL SERVICES; TO AMEND THE DEFINITIONS OF "CONSTRUCTION MANAGEMENT" AND "POLITICAL SUBDIVISION" FOR PURPOSES OF THE PROCUREMENT OF PROFESSIONAL SERVICES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE PROCUREMENT OF PROFESSIONAL SERVICES; AND TO AMEND THE DEFINITIONS OF "CONSTRUCTION MANAGEMENT" AND "POLITICAL SUBDIVISION" FOR PURPOSES OF THE PROCUREMENT OF PROFESSIONAL SERVICES.

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

SECTION 1. Arkansas Code § 19-11-801(d)(2), concerning the definition of "construction management" for purposes of the procurement of professional services, is amended to read as follows:

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

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

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



(B) "At-risk construction management", in which the construction entity, after providing agency services during the preconstruction period, serves as the general contractor and the following conditions are met:

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

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

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

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

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

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

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

/s/Eaves

APPROVED: 4/13/23