

Stricken language would be deleted from and underlined language would be added to present law.
Act 936 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S4/1/25

A Bill

SENATE BILL 565

By: Senator Flippo

By: Representative Maddox

For An Act To Be Entitled

AN ACT TO AMEND PROCUREMENT LAW; TO ALLOW FOR A COMBINED WRITTEN CERTIFICATION UNDER THE ARKANSAS PROCUREMENT LAW; TO SIMPLIFY STATE CONTRACTING BY ALLOWING MULTIPLE CERTIFICATIONS TO BE INCORPORATED INTO A SINGLE COMBINED WRITTEN CERTIFICATION BY OPERATION OF LAW; TO SET A THRESHOLD FOR THE APPLICATION OF THE REQUIREMENT THAT A STATE CONTRACT INCLUDE A REPRESENTATION CONCERNING THE PROHIBITION ON CONTINGENT FEES; TO CHANGE THE DEADLINE FOR CERTAIN REPORTS RELATED TO COOPERATIVE PURCHASING; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW PROCUREMENT CERTIFICATIONS TO BE COMBINED; TO AMEND THE LAW CONCERNING THE REPRESENTATION IN STATE CONTRACTS REGARDING CONTINGENT FEES; AND TO AMEND THE COOPERATIVE PURCHASING REPORTING DEADLINE.

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

SECTION 1. Arkansas Code § 19-11-249(b)(2), concerning reporting requirement for purchases made under a cooperative purchasing agreement under the Arkansas Procurement Law, is amended to read as follows:

(2) The reports required under this subsection shall be submitted by ~~July~~ October 1 in the format required by the Legislative Council



and shall include the following:

- (A) The name of the contractor;
- (B) The name of the procuring agency;
- (C) The contact information for the contractor and procuring agency;
- (D) The total cost of the contract, including all available extensions;
- (E) A description of the public school construction services, goods, or other services procured; and
- (F) Any other information requested by the Legislative Council or the Joint Budget Committee.

SECTION 2. Arkansas Code Title 19, Chapter 11, Subchapter 2, is amended to add an additional section to read as follows:

19-11-282. Combined written certification.

(a) When a contractor certifies in a contract with a state agency that the contractor shall comply with all Arkansas laws applicable to the contractor's performance under the contract, the certification provided in the contract shall serve as a combined written certification that the contractor certifies and warrants by operation of law that the contractor:

(1) Does not and shall not employ an illegal immigrant or use a subcontractor that employs or contracts with an illegal immigrant in violation of § 19-11-105;

(2) Has not been retained and has not retained a person to solicit or secure a state contract on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of the contractor's bona fide employees or bona fide established commercial selling agencies maintained by the contractor for the purpose of securing business in violation of § 19-11-708;

(3) Under penalty of perjury and to the best of the contractor's knowledge and belief is not providing a regular full-time or part-time employee of a state agency with a personal, direct, or indirect monetary benefit as a result of the execution of the contract in violation of § 19-11-1012(b)(8);

(4) Understands that, if the state fails to appropriate funds or make moneys available for a biennial period covered by the term of the

contract for the services to be provided by the contractor, the contract shall be terminated on the last day of the last biennial period for which funds were appropriated or moneys made available for such purposes, as provided in § 19-11-1012(b)(11);

(5) If applicable, is not currently engaged in and agrees for the duration of the contract not to engage in a boycott of Israel or a boycott of energy, fossil fuel, firearms, and ammunition industries in violation of §§ 25-1-503 and 25-1-1102;

(6) Is not owned in whole or with a majority ownership by the government of the People's Republic of China and is not subcontracting with a scrutinized company as defined in § 25-1-1202 in violation of § 25-1-1203; and

(7) Shall in all other respects comply with the laws, rules, and executive orders of the state that apply to the contractor's performance under the contract.

(b)(1) A combined written certification under this section is a single, universal, and supervening certification that shall be accepted in lieu of the specific, individual certifications otherwise required by Arkansas law.

(2) A state agency may rely on a combined written certification under this section and the implicit certifications and warranties the combined written certification supplies by operation of law in satisfaction of and as an alternative to obtaining the individual specific certifications otherwise required under Arkansas law, including without limitation under §§ 19-11-105, 19-11-708, 19-11-1012, 25-1-503, 25-1-1102, and 25-1-1202.

SECTION 3. Arkansas Code § 19-11-708(c), concerning the prohibition against contingent fees with respect to state contracts, is amended to read as follows:

(c) Notice. The representation prescribed in subsection (b) of this section shall be ~~conspicuously~~ set forth in all ~~contracts and~~ solicitations ~~therefor~~ for commodities or services, or both, if payment is expected to be at least seventy-five thousand dollars (\$75,000).

/s/Flippo

APPROVED: 4/21/25