

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 332

By: Senator J. Hendren

For An Act To Be Entitled

AN ACT TO PROVIDE OPEN AND FAIR COMPETITION FOR STATE-FUNDED WATER, WASTEWATER, AND STORM WATER DRAINAGE PROJECTS BY INCLUDING ACCEPTABLE PIPING MATERIALS IN A PROJECT BID; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE OPEN AND FAIR COMPETITION FOR STATE-FUNDED WATER, WASTEWATER, AND STORM WATER DRAINAGE PROJECTS BY INCLUDING ACCEPTABLE PIPING MATERIALS IN A PROJECT BID.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) According to the United States Environmental Protection Agency, underground piping represents sixty percent (60%) of the total spending for water, wastewater, and storm water infrastructure;

(2) Deteriorating infrastructure and its replacement is of growing fiscal concern;

(3) Updating the procurement policies for water, wastewater, and storm water piping may help Arkansas and its political subdivisions ensure that state funding for underground infrastructure be more cost effective;

(4) A wide variety of piping materials suitable for water, wastewater, and storm water projects subject to sound engineering practices are offered in Arkansas; and



(5) It is in the best interest of the citizens of Arkansas to encourage open and fair competition among all the state's producers of piping materials and that such competition can produce significant cost savings for state-funded water, wastewater, and storm water drainage projects.

22-9-215. Use of acceptable materials for water, wastewater, and storm water drainage projects.

(a) As used in this section, "acceptable piping material" means water, wastewater, or storm water pipes made using material that:

(1) Meets or exceeds the current standards issued by the American Society for Testing and Materials or the American Water Works Association; and

(2) Meets the performance requirements of the water, wastewater, and storm water drainage project.

(b) A state agency, political subdivision, water district, sewer district or other public or municipal corporation shall consider all acceptable piping material in determining project requirements when constructing, developing, maintaining, rebuilding, improving, repairing, or operating a water, wastewater, or storm water drainage project that receives funds from the state.

(c) A request for qualifications for a water, wastewater, or storm water drainage project shall not be limited to a specific brand name product or other specific type of piping material but shall allow for the use of acceptable piping material that meets or exceeds the specifications established by the project engineer.

(d) This section does not:

(1) Mandate the use of a specific type of acceptable piping material or require the use of the acceptable piping material with the lowest cost; and

(2) Limit the professional judgment of the project engineer to select an acceptable piping material that meets the requirements of the water, wastewater, or storm water drainage project.

(e) The project engineer shall not be liable for professional negligence solely on the basis of selecting an acceptable piping material that is commensurate with sound engineering practices and the requirements of the water, wastewater, or storm water drainage project.