

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: S4/4/19  
**A Bill**

HOUSE BILL 1041

By: Representative Ladyman

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING THE AWARD  
PROCEDURE FOR CERTAIN PUBLIC CONTRACTS; AND FOR OTHER  
PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING THE AWARD  
PROCEDURE FOR CERTAIN PUBLIC CONTRACTS.

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

SECTION 1. Arkansas Code § 14-58-303(b), concerning purchases and contracts in a city of the first class, is amended to read as follows:

*(b)(1)~~(A)~~ Except as provided under § 14-58-104, the municipal governing body of any city of the first class, city of the second class, or incorporated town shall provide by ordinance the procedure for making all purchases ~~which that~~ do not exceed ~~the sum of twenty thousand dollars (\$20,000)~~ thirty-five thousand dollars (\$35,000).*

*~~(B) Except as provided under § 14-58-104, the municipal governing body of any city of the second class or incorporated town may provide by ordinance the procedure for making all purchases.~~*

*(2)(A)(i) Except as provided under § 14-58-104, in a city of the first class ~~where,~~ a city of the second class, or an incorporated town in which the amount of expenditure for any purpose or contract exceeds ~~the sum of twenty thousand dollars (\$20,000)~~ thirty-five thousand dollars (\$35,000), the mayor or the mayor's authorized representative shall invite competitive bidding on the purpose or contract by legal advertisement in any local newspaper.*



(ii) Bids received ~~pursuant to~~ under the advertisement shall be opened and read on the date set for receiving the bids in the presence of the mayor or the mayor's authorized representative.

(iii) The mayor or the mayor's authorized representative shall have exclusive power to award the bid to the lowest responsible bidder, but may reject any and all bids received.

(B) *The governing body by ordinance may waive the requirements of competitive bidding ~~in exceptional situations where this procedure is deemed~~ if an event imminently threatens the orderly operations of the municipality or if an established imminent safety hazard is present that renders competitive bidding not feasible or practical or as provided under § 14-58-104.*

(C) Cities of the first class, cities of the second class, and incorporated towns may accept competitive bids in the following forms:

(i) Written; or

"(ii) *Electronic media.*

*SECTION 2. Arkansas Code § 14-58-303, concerning purchases and contracts in a city of the first class, is amended to add an additional subsection to read as follows:*

*(e) Purchases and contracts made under this section shall not be subdivided for the purpose of avoiding competitive bidding required under this section.*

*SECTION 3. Arkansas Code § 22-9-203, concerning the award procedure for public improvements generally, is amended to add additional subsections to read as follows:*

*(l) A governing body of a municipality by ordinance may waive the requirements of competitive bidding if an event imminently threatens the orderly operations of the municipality or if an established imminent safety hazard is present that renders competitive bidding not feasible or practical.*

*(m) Purchases and contracts made under this section shall not be subdivided for the purpose of avoiding competitive bidding required under this section.*

*/s/Ladyman*