

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 350

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PUBLIC WORKS PROJECTS; TO AMEND THE REQUIREMENT CONCERNING THE OBSERVATION BY CERTAIN PROFESSIONALS OF PUBLIC WORKS PROJECTS FOR ARKANSAS STATE PARKS; TO AMEND THE SOLICITATION AND AWARD PROCEDURE FOR CERTAIN PUBLIC WORKS PROJECTS FOR ARKANSAS STATE PARKS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND CERTAIN REQUIREMENTS FOR AND THE SOLICITATION AND AWARD PROCEDURE FOR CERTAIN PUBLIC WORKS PROJECTS FOR ARKANSAS STATE PARKS.

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

SECTION 1. Arkansas Code § 22-9-101(a) and (b), concerning the requirement that certain public works projects be observed by registered professionals, are amended to read as follows:

(a) The Except as provided in subsection (b) of this section, the state or a township, county, municipality, village, or other political subdivision of the state shall not engage in the capital improvement of public works involving engineering or architecture for which the plans, specifications, and estimates have not been made by and the capital improvement executed under the observation of a professional engineer as defined in § 17-30-101 or architect as defined in § 17-15-102, in their respective areas of expertise.



(b) ~~Nothing in this~~ This section shall be held to ~~does not~~ apply to any public works ~~wherein~~ in which the contemplated capital improvement expenditure:

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

(2) For an engineering project with an Arkansas state park, as classified or reclassified under § 22-4-201(1) or § 22-4-202, does not exceed seventy-five thousand dollars (\$75,000); or

(3) For an architectural project does not exceed one hundred thousand dollars (\$100,000).

SECTION 2. Arkansas Code § 22-9-203(a), concerning public improvements and the award procedure for certain public works contracts, is amended to read as follows:

(a)(1) Except as provided under § 14-58-105 and subdivision (a)(2) of this section, 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) unless:

~~(1)(A)~~ 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)(B)(i)~~ 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)(ii)~~ In addition to the publication of notice required under subdivision ~~(a)(2)(A)~~ (a)(1)(B)(i) of this section, the county, municipality, school district, or other local taxing unit:

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

~~(ii)(b)~~ 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.

(2) With respect to a contract awarded by an Arkansas state park, as classified or reclassified under § 22-4-201(1) or § 22-4-202, subdivision (a)(1) of this section applies only to contracts awarded based on estimated costs of work that exceed seventy-five thousand dollars (\$75,000).