

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 350

5 By: Senator Irvin
6

For An Act To Be Entitled

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

Subtitle

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17 TO AMEND CERTAIN REQUIREMENTS FOR AND THE
18 SOLICITATION AND AWARD PROCEDURE FOR
19 CERTAIN PUBLIC WORKS PROJECTS FOR
20 ARKANSAS STATE PARKS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 22-9-101(a) and (b), concerning the
27 requirement that certain public works projects be observed by registered
28 professionals, are amended to read as follows:

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



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

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

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

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

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

15 (a)(1) Except as provided under § 14-58-105 and subdivision (a)(2) of
16 this section, a contract providing for the making of major repairs or
17 alterations, for the erection of buildings or other structures, or for making
18 other permanent improvements shall not be entered into by the state or an
19 agency of the state or by a county, municipality, school district, or other
20 local taxing unit with any contractor in instances in which all estimated
21 costs of the work exceed the sum of thirty-five thousand dollars (\$35,000)
22 unless:

23 ~~(1)(A)~~ The state or any agency of the state shall have
24 first published notice of its intention to receive bids one (1) time each
25 week for not less than two (2) consecutive weeks for projects more than the
26 amount of fifty thousand dollars (\$50,000) and published notice of its
27 intention to receive bids one (1) time each week for not less than one (1)
28 week for projects more than the quote bid limit, as provided under the
29 minimum standards and criteria of the Building Authority Division, but less
30 than or equal to fifty thousand dollars (\$50,000) in a newspaper of general
31 circulation published in the county in which the proposed improvements are to
32 be made or in a trade journal reaching the construction industry; and

33 ~~(2)(A)(B)(i)~~ The county, municipality, school district, or
34 other local taxing unit shall have first published notice of its intention to
35 receive bids one (1) time each week for not less than two (2) consecutive
36 weeks in a newspaper of general circulation published in the county in which

1 the proposed improvements are to be made.

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

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

7 ~~(ii)(b)~~ If the county, municipality, school
8 district, or other local taxing unit is accepting electronically submitted
9 bids, shall also post notice on the website of a vendor selected under the
10 Fair Notice and Efficiency in Public Works Act, § 22-9-901 et seq.

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

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