

State of Arkansas

As Engrossed: S4/1/25

95th General Assembly

## A Bill

Regular Session, 2025

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



1 and shall include the following:

2 (A) The name of the contractor;

3 (B) The name of the procuring agency;

4 (C) The contact information for the contractor and  
5 procuring agency;

6 (D) The total cost of the contract, including all  
7 available extensions;

8 (E) A description of the public school construction  
9 services, goods, or other services procured; and

10 (F) Any other information requested by the Legislative  
11 Council or the Joint Budget Committee.

12  
13 SECTION 2. Arkansas Code Title 19, Chapter 11, Subchapter 2, is amended to  
14 add an additional section to read as follows:

15 19-11-282. Combined written certification.

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

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

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

30 (3) Under penalty of perjury and to the best of the contractor's  
31 knowledge and belief is not providing a regular full-time or part-time  
32 employee of a state agency with a personal, direct, or indirect monetary  
33 benefit as a result of the execution of the contract in violation of § 19-11-  
34 1012(b)(8);

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

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

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

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

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

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

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

26  
27 SECTION 3. Arkansas Code § 19-11-708(c), concerning the prohibition  
28 against contingent fees with respect to state contracts, is amended to read  
29 as follows:

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

34  
35 /s/Flippo

36 APPROVED: 4/21/25