

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

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S4/1/25

A Bill

SENATE BILL 565

5 By: Senator Flippo
6 By: Representative Maddox
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROCUREMENT LAW; TO ALLOW FOR A
10 COMBINED WRITTEN CERTIFICATION UNDER THE ARKANSAS
11 PROCUREMENT LAW; TO SIMPLIFY STATE CONTRACTING BY
12 ALLOWING MULTIPLE CERTIFICATIONS TO BE INCORPORATED
13 INTO A SINGLE COMBINED WRITTEN CERTIFICATION BY
14 OPERATION OF LAW; TO SET A THRESHOLD FOR THE
15 APPLICATION OF THE REQUIREMENT THAT A STATE CONTRACT
16 INCLUDE A REPRESENTATION CONCERNING THE PROHIBITION
17 ON CONTINGENT FEES; TO CHANGE THE DEADLINE FOR
18 CERTAIN REPORTS RELATED TO COOPERATIVE PURCHASING;
19 AND FOR OTHER PURPOSES.
20
21

Subtitle

22 TO ALLOW PROCUREMENT CERTIFICATIONS TO
23 BE COMBINED; TO AMEND THE LAW CONCERNING
24 THE REPRESENTATION IN STATE CONTRACTS
25 REGARDING CONTINGENT FEES; AND TO AMEND
26 THE COOPERATIVE PURCHASING REPORTING
27 DEADLINE.
28
29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

32 SECTION 1. Arkansas Code § 19-11-249(b)(2), concerning reporting
33 requirement for purchases made under a cooperative purchasing agreement under
34 the Arkansas Procurement Law, is amended to read as follows:

35 (2) The reports required under this subsection shall be
36 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).

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35 /s/Flippo
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