

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

A Bill

SENATE BILL 565

5 By: Senator Flippo
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For An Act To Be Entitled

8
9 AN ACT TO AMEND PROCUREMENT LAW CONCERNING
10 CERTIFICATIONS AND REPRESENTATIONS; TO ALLOW FOR A
11 COMBINED WRITTEN CERTIFICATION UNDER THE ARKANSAS
12 PROCUREMENT LAW; TO SIMPLIFY STATE CONTRACTING BY
13 ALLOWING MULTIPLE CERTIFICATIONS TO BE INCORPORATED
14 INTO A SINGLE COMBINED WRITTEN CERTIFICATION BY
15 OPERATION OF LAW; TO SET A THRESHOLD FOR THE
16 APPLICATION OF THE REQUIREMENT THAT A STATE CONTRACT
17 INCLUDE A REPRESENTATION CONCERNING THE PROHIBITION
18 ON CONTINGENT FEES; AND FOR OTHER PURPOSES.
19
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Subtitle

21
22 TO ALLOW PROCUREMENT CERTIFICATIONS TO
23 BE INCORPORATED INTO A SINGLE COMBINED
24 WRITTEN CERTIFICATION; AND TO SET A
25 THRESHOLD FOR THE REQUIREMENT THAT A
26 STATE CONTRACT INCLUDE A REPRESENTATION
27 CONCERNING PROHIBITED CONTINGENT FEES.
28

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. Arkansas Code Title 19, Chapter 11, Subchapter 2, is
32 amended to add an additional section to read as follows:

33 19-11-282. Combined written certification.

34 (a) When a contractor certifies in a contract with a state agency that
35 the contractor shall comply with Arkansas law applicable to the contractor's
36 performance under the contract, the certification provided in the contract



1 shall serve as a combined written certification that the contractor certifies
2 and warrants by operation of law that the contractor:

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

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

12 (3) Under penalty of perjury and to the best of the contractor's
13 knowledge and belief is not providing a regular full-time or part-time
14 employee of a state agency with a personal, direct, or indirect monetary
15 benefit as a result of the execution of the contract in violation of § 19-11-
16 1012(b)(8);

17 (4) Understands that, if the state fails to appropriate funds or
18 make moneys available for a biennial period covered by the term of the
19 contract for the services to be provided by the contractor, the contract
20 shall be terminated on the last day of the last biennial period for which
21 funds were appropriated or moneys made available for such purposes, as
22 provided in § 19-11-1012(b)(11);

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

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

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

34 (b)(1) A combined written certification under this section is a
35 single, universal, and supervening certification that shall be accepted in
36 lieu of the specific, individual certifications required by law.

1 (2) A state agency may rely on a combined written certification
2 under this section and the implicit certifications and warranties the
3 combined written certification supplies by operation of law in satisfaction
4 of and as an alternative to obtaining the individual specific certifications
5 otherwise required under Arkansas law, including without limitation under §§
6 19-11-105, 19-11-708, 19-11-1012, 25-1-503, 25-1-1102, and 25-1-1202.
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8 SECTION 2. Arkansas Code § 19-11-708(c), concerning the prohibition
9 against contingent fees with respect to state contracts, is amended to read
10 as follows:

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