

Division of Public School Academic Facilities and Transportation

CONSTRUCTION PROCESSES, STATUTES, RULES AND REGULATIONS

Design Requirements:

If all estimated costs of a building exceed \$25,000, then all aspects of the project that involve engineering (structure, plumbing, electrical, HVAC, etc.) must be designed by an Arkansas licensed engineer.

(A.C.A. § 22-9-101)

If all estimated costs of a building exceed \$100,000, then an Arkansas licensed architect must design the project. When an architect is employed for a project, the engineering requirements become the responsibility of the architect and properly licensed engineers must still be used.

(A.C.A. § 22-9-101)

All public schools shall meet the Arkansas Code pertaining to earthquake design for public structures. The design of structural elements of public buildings and structures shall be performed by a professional engineer registered in the State of Arkansas who is competent in seismic structural design according to current standards of technical competence. These requirements include all new construction, any addition to an existing facility that exceeds 4,000 square feet and any remodeling or repair of a building which when completed will increase the market value of the building by 100% or more. (A.C.A § 12-80-104)

The “park and recreation facilities” of a school district are not included in this requirement. “Park and recreational facilities” shall mean any facilities that are generally open structures and have three or fewer sides and are used for athletics, recreation or entertainment (i.e., pavilions, amphitheaters, and baseball dugouts). (A.C.A § 12-80-105)

School districts in Seismic Hazard Exposure Group III shall have non-structural interior components (such as bookshelves, light fixtures, shelving, hot water tanks, oxygen tanks, etc.) to meet earthquake resistant guidelines. (A.C.A. § 12-80-104)

Seismic Hazard Exposure Group III shall include the following counties: Clay, Greene, Craighead, Mississippi, Poinsett, Cross, Crittenden, St. Francis, Randolph, Lawrence, Jackson, Woodruff, and Lee.

(A.C.A. § 12-80-102)

Architects and engineers must be hired by considering and evaluating their “annual statement of qualifications,” which outlines their background, experience, prior work and personnel. Procuring these services by competitive bidding is prohibited.

(A.C.A. §19-11-801 *through* 805)

Plans and specifications for any new building or addition must be approved by the Division of Arkansas Public School Academic Facilities and Transportation (Division). The approval process must include review and approval by all appropriate and applicable state agencies, boards, and local officials as required by the Arkansas Public School Academic Facility Manual. (A.C.A. § 6-20-1407)

For new public school facilities, final construction documents must be submitted to the Design Review Section of the Arkansas Building Authority to ensure compliance with the Americans with Disabilities Act Accessibility Guidelines. (A.C.A. § 6-20-1407)

For additions or renovations, a copy of final construction documents shall be submitted to the State Fire Marshal Enforcement Section of the Department of Arkansas State Police for review in regard to compliance with the Arkansas-adopted Americans with Disabilities Act Accessibility Guidelines (A.C.A. § 6-20-1407)

Bidding Requirements:

If all estimated costs of a project are less than \$20,000, then the district follows local school board policies to award the contract. (Division Rules Governing Self-Construction Projects by Public Education Entities)

If all estimated costs of a project exceed \$20,000, the district shall advertise a minimum of one time a week for two weeks. (A.C.A § 22-9-203)

In all instances of publication, the bids may not be opened before one week from the last day of advertisement. (A.C.A § 22-9-203)

A district may use alternates in the bid specifications on construction projects. No more than three alternates may be used. The alternates must be deductive. The alternates must be listed in numerical order. (A.C.A. § 22-9-203)

In the event all bids submitted exceed the amount appropriated for the award of the contract, the district may negotiate an award of the contract with the apparent responsible low bidder, but only if the low bid is within 25% of the amount appropriated. (A.C.A. § 22-9-203)

If all estimated costs of a project exceed \$75,000, the bid documents shall contain statements, which encourage the participation of small, minority, and women business enterprises. (A.C.A. § 22-9-203)

Bond Requirements:

A 5% bid bond or a certified check in the amount of 5% of the bid shall accompany all submitted bids on projects that exceed \$20,000.

(A.C.A. § 22-9-203)

The successful bidders on all projects that exceed \$20,000 shall provide the owner a performance bond for 100% of the contract amount. (A.C.A. § 18-44-503)

Construction Requirements:

Any construction project that exceeds \$20,000, the contractor must hold a valid Arkansas State Contractor's License (A.C.A. 17-25-101).

This statute also applies to sub-contractors that do work in excess of \$20,000. Any general contractor's contract that exceeds \$50,000, all sub-contractors must be licensed contractors.

(A.C.A. 22-9-204)

Any sub-trades contractor doing work in areas such as electrical, plumbing, HVAC, etc. must hold the required trade's license from the State of Arkansas. Any of these contractors that do jobs that exceed \$20,000 must also hold the State Contractor's License. (A.C.A. § 22-9-204)

The Division or any person acting on behalf of the Division may conduct on-site inspections of the new construction project as frequently as the Division deems necessary to assure the prudent and resourceful expenditure of state funds with regard to public school academic facilities.

(A.C.A § 6-20-2507)

If a contractor retained by a school district is required to furnish a performance bond, the district must pay 95% of earned progress payments when due and retain 5% to assure faithful performance. All sums retained by the district must be paid to the contractor within thirty days of contract completion, assuming the contractor has faithfully performed the contract in full.

(A.C.A. § 22-9-601 & 604)