

QuickFacts
Conway city, Arkansas

QuickFacts provides statistics for all states and counties, and for cities and towns with a **population of 5,000 or more**.

Table

All Topics 	Conway city, Arkansas
Population estimates, July 1, 2019, (V2019)	67,638
 PEOPLE	
Population	
Population estimates, July 1, 2019, (V2019)	67,638
Population estimates base, April 1, 2010, (V2019)	58,874
Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)	14.9%
Population, Census, April 1, 2010	58,908
Age and Sex	
Persons under 5 years, percent	 6.1%
Persons under 18 years, percent	 21.2%
Persons 65 years and over, percent	 9.9%
Female persons, percent	 52.1%
Race and Hispanic Origin	
White alone, percent	 74.8%
Black or African American alone, percent (a)	 16.9%
American Indian and Alaska Native alone, percent (a)	 0.3%
Asian alone, percent (a)	 2.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	 0.0%
Two or More Races, percent	 3.1%
Hispanic or Latino, percent (b)	 4.9%
White alone, not Hispanic or Latino, percent	 72.6%
Population Characteristics	
Veterans, 2014-2018	3,105
Foreign born persons, percent, 2014-2018	4.8%
Housing	
Housing units, July 1, 2019, (V2019)	X
Owner-occupied housing unit rate, 2014-2018	48.6%
Median value of owner-occupied housing units, 2014-2018	\$167,000
Median selected monthly owner costs -with a mortgage, 2014-2018	\$1,273
Median selected monthly owner costs -without a mortgage, 2014-2018	\$410
Median gross rent, 2014-2018	\$788
Building permits, 2019	X
Families & Living Arrangements	
Households, 2014-2018	23,828
Persons per household, 2014-2018	2.53
Living in same house 1 year ago, percent of persons age 1 year+, 2014-2018	81.2%
Language other than English spoken at home, percent of persons age 5 years+, 2014-2018	7.1%
Computer and Internet Use	
Households with a computer, percent, 2014-2018	90.4%
Households with a broadband Internet subscription, percent, 2014-2018	80.4%
Education	
High school graduate or higher, percent of persons age 25 years+, 2014-2018	93.4%
Bachelor's degree or higher, percent of persons age 25 years+, 2014-2018	38.4%
Health	
With a disability, under age 65 years, percent, 2014-2018	9.1%
Persons without health insurance, under age 65 years, percent	 10.3%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2014-2018	63.5%
In civilian labor force, female, percent of population age 16 years+, 2014-2018	58.9%
Total accommodation and food services sales, 2012 (\$1,000) (c)	177,605
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	410,728
	1,156,552

Total manufacturers shipments, 2012 (\$1,000) (c)	
Total merchant wholesaler sales, 2012 (\$1,000) (c)	460,616
Total retail sales, 2012 (\$1,000) (c)	1,246,076
Total retail sales per capita, 2012 (c)	\$19,798

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2014-2018	20.2
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Income & Poverty

Median household income (in 2018 dollars), 2014-2018	\$46,972
Per capita income in past 12 months (in 2018 dollars), 2014-2018	\$26,634
Persons in poverty, percent	▲ 19.2%

BUSINESSES

Businesses

Total employer establishments, 2018	X
Total employment, 2018	X
Total annual payroll, 2018 (\$1,000)	X
Total employment, percent change, 2017-2018	X
Total nonemployer establishments, 2018	X
All firms, 2012	4,995
Men-owned firms, 2012	2,450
Women-owned firms, 2012	1,704
Minority-owned firms, 2012	683
Nonminority-owned firms, 2012	4,048
Veteran-owned firms, 2012	365
Nonveteran-owned firms, 2012	4,275


GEOGRAPHY


Geography

Population per square mile, 2010	1,299.2
Land area in square miles, 2010	45.34
FIPS Code	0515190

About datasets used in this table

Value Notes

 Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info  icon to the row in TABLE view to learn about sampling error.

The vintage year (e.g., V2019) refers to the final year of the series (2010 thru 2019). *Different vintage years of estimates are not comparable.*

Fact Notes

- (a) Includes persons reporting only one race
- (b) Hispanics may be of any race, so also are included in applicable race categories
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data

Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper in open ended distribution.
- D Suppressed to avoid disclosure of confidential information
- F Fewer than 25 firms
- FN Footnote on this item in place of data
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- NA Not available
- S Suppressed; does not meet publication standards
- X Not applicable
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and F Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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COVID-19 INFORMATION

Useful information about COVID-19 and the City of Conway.

[Read More](#)

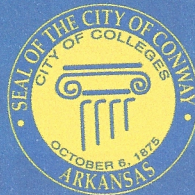


[News](#) > [Public Notice of Intentent to Apply for Grant Funds](#)

Public Notice of Intentent to Apply for Grant Funds

The City of Conway will submit a Hazard Mitigation Assistance (HMA) grant application to the Arkansas Department of Emergency Management and FEMA for the purpose of developing a Drainage Study of the downtown area of the City of Conway.

The grant application may be viewed at the Central Arkansas Planning and Development (CAPDD) office at the address below. Written comments may be sent to: Leigh Pool, CAPDD, P. O. Box 300, 902 N. Center St., Lonoke, AR 72086. Written comments will be accepted and forwarded to the funding agency from November 18 - November 30. Questions regarding the above may be directed to Leigh Pool at (501) 676-2721 or leigh.pool@capdd.org



CONWAY CITY HALL
1111 Main Street
Conway, AR 72032





9



Edit



Central Arkansas Planning and Development District

@CAPDD · Government Organization

Call Now

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More

Promote

View as Visitor



Central Arkansas Planning and Development District

Published by Kira Livingston · 21h

Conway, Arkansas, City of Colleges will submit a Hazard Mitigation Assistance (HMA) grant application to the Arkansas Division of Emergency Management and FEMA Federal Emergency Management Agency for the purpose of updating for the purpose of developing a Drainage Study of the downtown area of the City of Conway. #PublicNotice



90



CENTRAL ARKANSAS PLANNING & DEVELOPMENT DISTRICT
Serving as a catalyst for economic, community, and workforce

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Kira Livingston 4 minutes ago 1 min read



Public Notice for City of Conway - INTENT TO APPLY FOR GRANT FUNDS - November 2020

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1 view



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INVITATION FOR PUBLIC COMMENT FOR LONOKE COUNTY

 0 Write a comment



Public Notice for Saline County - INTENT TO APPLY FOR GRANT FUNDS ...

 0 Write a comment



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(County/City/School Letterhead)

Authorized Agent Letter

Date

Lacye Blake
Arkansas Department of Emergency Management
Building #9501
Camp Joseph T. Robinson
North Little Rock, AR 72199-9600


Re: Authorized Agent

Dear Ms. Blake:

This letter is to inform you that Leigh Ann Pool of Central Arkansas Planning and Development District has been authorized to act as the primary point of contact on behalf of Saline County in regards to the Hazard Mitigation Assistance (HMA) Grant application for which we have applied.

Sincerely,

Bart Castleberry, Mayor of Conway
Printed Name and Title

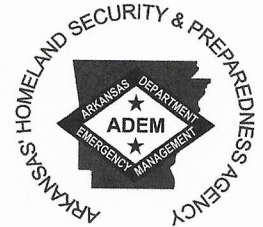

Signature

11/23/20
Date



ASA HUTCHINSON
GOVERNOR

**STATE OF ARKANSAS
DEPARTMENT OF EMERGENCY MANAGEMENT**



AJ Gary
DIRECTOR

Hazard Mitigation Assistance State-Local Agreement

This agreement between the State of Arkansas and Saline County shall be effective on the date signed by the state and the subapplicant. It shall apply to all Hazard Mitigation Grant Program funds and Pre Disaster Mitigation Grant Program funds provided by or through the state to the subapplicant.

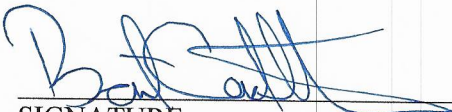
The designated representative of the applicant certifies that:

1. He/she has legal authority to apply for assistance on behalf of the subapplicant.
2. If the subapplicant appoints an individual to act on the jurisdiction's behalf, the subapplicant will complete an authorization letter and submit it as part of the application requirement.
3. The subapplicant will provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal assistance.
4. The subapplicant agrees to provide the full 25% cost share for the complete project and will submit a notarized funds commitment letter as part of the application requirement. (With the exception of the Project Management Costs which are separate and are covered 100% by grant)
5. The local cost share funding will be available within the specified period of performance time.
6. The subapplicant will use FEMA funds solely for the purpose for which they were determined and as approved by the State Hazard Mitigation Officer in the project application.
7. The subapplicant will give the state and federal agencies access to and the right to examine all records and documents related to use of hazard mitigation funds.
8. The subapplicant will adhere to 2 CFR Part 200 for all awards made under HMGP and PDM.
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SIGNED FOR THE SUBAPPLICANT:

Bart Castleberry
NAME


SIGNATURE

Mayor of Conway
TITLE

11/23/20
DATE

SIGNED FOR THE STATE:

STATE HAZARD MITIGATION OFFICER

SIGNATURE & DATE

(County/City/School Letterhead)

Authorized Agent Letter

Date

Lacye Blake
Arkansas Department of Emergency Management
Building #9501
Camp Joseph T. Robinson
North Little Rock, AR 72199-9600


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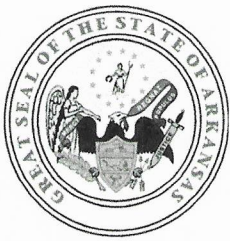
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ASA HUTCHINSON
GOVERNOR

STATE OF ARKANSAS
DEPARTMENT OF EMERGENCY MANAGEMENT



AJ GARY
DIRECTOR

Funds Commitment Form

City of Conway
(Jurisdiction Name)

The City of Conway is applying for a Hazard Mitigation Assistance (HMA) Grant through FEMA and the Arkansas Department of Emergency Management and agrees to pay 25% of the total costs associated with the project described in the notice of intent.

HMA Grant Type: HMA

Total Project Cost: \$193,750

Local Cost Share: \$48,437

(Project Management Cost is calculated at 5% of the Total Project Cost and is covered 100% by the grant)

Bart Castleberry
Printed Name

Mayor of Conway
Title


Signature

11/23/20
Date



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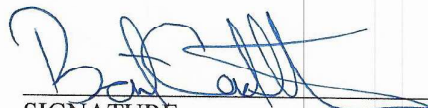
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SIGNATURE

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DATE

SIGNED FOR THE STATE:

STATE HAZARD MITIGATION OFFICER

SIGNATURE & DATE

Project Management Budget
 Lonoke Drainage Study

L)

POSITION	Hours	\$ per hr	Total	Tasks
Executive Director	31.2	46	\$ 1,435.20	Oversee the activities of all involved positions and act as a problem solver, should one arise. Guides staff and participates in initiating grant applications. Has signatory authority for contracts. He is in constant communication with communities regarding planning, economic development and meeting the needs of those communities
Accounting Mgr	39	25.5	\$ 994.50	Assist the Program Manager with the budgetary aspects of the grant. Processes grant reimbursement toward payroll for staff persons
Project Manager	250	26	\$ 6,500.00	The Project Manager acts as the Liaison between the community and the state office insuring that state and federal requirements are followed. Attends application briefing and other meetings as needed; Prepares application, Assists with procurement, financial and contract management; Submit quarterly progress report to ADEM, perform site visits; Obtain and submit grant close out documents; Maintain records for 3 years following closeout.
Secretary-Receptionist	37	12.5	\$ 462.50	Support staff assist in communication with communication, setting up meetings and preparing correspondence, copies and mail-outs needed to fulfill the requirements of the program.
Travel			\$ 215.00	Travel costs for managing project is necessary as we conduct meetings with the community and grant recipients. Although this project is local to our office, the project covers the entire city area. To cross town is approximately 5 miles in either direction @ \$.575 per mile = \$3 each trip. It is easy to expect to make 72 trips each year of this grant program.
printing, copying and postage			\$ 80.30	Printing, copying, postage for forms, maps, correspondence and other documents will likely cost more than the funds in the grant, any cost beyond this will be covered by the District
TOTAL			\$ 9,687.50	

Work Task - Drainage Study	hours	cost	total	
Data Gathering and Assimilation	27	\$ 221.00	\$ 5,967.00	
	53	\$ 155.00	\$ 8,215.00	
	8	\$ 198.00	\$ 1,584.00	
			\$ 15,766.00	
Review Existing H&H Models and Supporting Data				
	32	\$ 221.00	\$ 7,072.00	
	20	\$ 155.00	\$ 3,100.00	
			\$ 10,172.00	
Develop Survey Needs and Scoping				
	4	\$ 221.00	\$ 884.00	
	4	\$ 155.00	\$ 620.00	
			\$ 1,504.00	
Existing Conditions Hydrologic Modeling				
	6	\$ 221.00	\$ 1,326.00	
	44	\$ 155.00	\$ 6,820.00	
			\$ 8,146.00	
Existing Conditions Hydraulic Modeling				
	74	\$ 221.00	\$ 16,354.00	
	116	\$ 155.00	\$ 17,980.00	
	28	\$ 198.00	\$ 5,544.00	
			\$ 39,878.00	
Proposed Conditions H & H Modeling				
	73	\$ 221.00	\$ 16,133.00	
	104	\$ 155.00	\$ 16,120.00	
	20	\$ 198.00	\$ 3,960.00	
			\$ 36,213.00	
NOI and FEMA Grant Application	40	\$ 221.00	\$ 8,840.00	
	24	\$ 155.00	\$ 3,720.00	
	8	\$ 198.00	\$ 1,584.00	
			\$ 14,144.00	
			\$ 125,823.00	
Direct (ea)				
Document Printing/Reproduction/Assembly			\$ 127.00	
FEMA Hydraulic Model Request			\$ 300.00	
Travel			\$ 50.00	
			\$ 477.00	
TOTAL for Drainage Study			\$ 126,300.00	

Work Task - Conceptual Design	hours	cost	total
Engineering Project Management	16	\$ 221.00	\$ 3,536.00
	18	\$ 181.00	\$ 3,258.00
	4	\$ 111.00	\$ 444.00
			\$ 7,238.00
Civil Engineering			
	2	\$ 221.00	\$ 442.00
	100	\$ 181.00	\$ 18,100.00
	232	\$ 111.00	\$ 25,752.00
			\$ 44,294.00
Structural Engineering			
	10	\$ 221.00	\$ 2,210.00
	56	\$ 155.00	\$ 8,680.00
			\$ 10,890.00
Project NOI and Grant Application			
	8	\$ 221.00	\$ 1,768.00
	16	\$ 155.00	\$ 2,480.00
	4	\$ 198.00	\$ 792.00
			\$ 5,040.00
			\$ 67,462.00
Direct (ea)			
Document Printing/Reproduction/Assembly			\$ 188.00
Travel			\$ 50.00
			\$ 238.00
TOTAL for Conceptional Design			\$ 67,700.00

Subapplicant information

Name of federal agency **FEMA**
 Type of submission **Application**

CONWAY, CITY OF

1111 MAIN ST STE 102
 CONWAY, AR 72032 United States

State	DUNS #	EIN #
AR	098563026	716001898

Subapplicant type **Local Government**
 Is the subapplicant subject to review by Executive Order 12372 Process? **Yes-This Pre-application/application was made available to the Executive Order 12372 Process for review on.**
 Enter date **2020-11-18**
 Is the subapplicant delinquent on any federal debt? **No**

Contact information

Subrecipient Authorized Representative (SAR)

Jamie Brice	Primary phone	Mailing address
jamie.brice@conwayarkansas.gov		

Point(s) of contact

MRS Leigh A Pool	Primary phone	Additional	Mailing address
			P. O. Box 300

Project Manager

5016762721 ext
29
Work

phones
5016284948
Mobile

902 N. Center Street
Lonoke AR 72086-
0300

leigh.pool@capdd.org

Fax

Community

Please provide the following information. If the Congressional district number for your community does not display correctly, please contact your State NFIP coordinator.

Add Communities

Please find the community(ies) that will benefit from this mitigation activity by clicking on the Find communities button. If needed, modify the Congressional District number for each community by entering the updated number under the U.S. Congressional District column for that community. When finished, click the Continue button. NOTE: You should also notify your State NFIP coordinator so that the updated U.S. Congressional District number can be updated in the Community Information System (CIS) database.

Community name	County code	CID number	CRS community	CRS rating	U.S. Congressional District
CONWAY, CITY OF	045	050078	N		1,2

Please provide any additional comments below (optional).

the City of Conway is the county seat of Faulkner County, Arkansas and is the state's most populous Metropolitan Statistical Area. Most of residents do not commute out of the city to work. The City of Conway is well known as a regional shopping, educational, work, healthcare, sports and cultural hub for Faulkner County and surrounding areas. Conway's growth can be attributed to its jobs in technology and higher education with the largest employers being Acxiom, the University of Central Arkansas, Hendrix College, Insite Enterprises and many technology start up companies Conway is home to three post-secondary educational institutes, earning it the nickname "The City of Colleges. Census - QuickFacts for Conway is attached

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
U.S. Census Bureau QuickFacts_Conway city Arkansas.pdf	11/20/2020	leigh.pool@capdd.org	Community Attachments	City Profile	
Public Notices.pdf	11/20/2020	leigh.pool@capdd.org	Community Attachments	Public Notices	
signed state local agreement.pdf	11/23/2020	leigh.pool@capdd.org	Community Attachments	State - Local Agreement	

Mitigation plan

Please provide your plan information below.

Is the entity that will benefit from the proposed activity covered by the current FEMA approved multi-hazard mitigation plan in compliance with 44 CFR Part 201? **Yes**

Please provide plan detail

Plan name	Plan type	Plan approval date
Faulkner County Pre-Disaster Hazard Mitigation Plan	Local Multijurisdictional Multi-Hazard Mitigation Plan	12/01/2015

Proposed activity description

The proposed project is to provide a Flood Study/Drainage Study for the City of Conway Downtown area that is subject to flash flooding which will result in mitigation strategy for flooding.

Please provide any additional comments below (optional).

Attached is the approval letter from December 2015 for the current plan. The 2020 Faulkner County Mitigation Plan Update has submitted for review and approval.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
Faulkner Approval & PRT.pdf	11/20/2020	leigh.pool@capdd.org	Mitigation Plan Attachments	Approved Plan Letter	

Scope of work

The project Scope of Work (SOW) identifies the eligible activity, describes what will be accomplished and explains how the mitigation activity will be implemented. The mitigation activity must be described in sufficient detail to verify the cost estimate. All activities for which funding is requested must be identified in the SOW prior to the close of the application period. FEMA has different requirements for project, planning and management cost SOWs.

Subapplication title (include type of activity and location)

Conway Downtown Drainage Study

Activities

Primary activity type

Develop or conduct engineering, environmental, feasibility and/or benefit cost analyses

Secondary activity type (Optional)

Conduct meetings, outreach and coordination with subapplicants and community residents

Tertiary activity type (Optional)

Geographic areas description

The geographic area for the proposed project is Faulkner County, City of Conway, Downtown Area. General project area bounded by Mill Street on the north, Bruce Street on the south, Faulkner street on the west, and Ingram Street on the east.

Community lifelines

Primary community lifeline

Safety and security

Primary sub-community lifeline

Community safety

Secondary community lifeline (optional)

Hazard sources

Primary hazard source

Flooding

Secondary hazard source (optional)

Tertiary hazard source (optional)

How will the mitigation activity be implemented?

The Drainage / Flood Study will include: 1) Data Gathering and Assimilation 2) Review Existing H & H Models and Supporting Data 3) Develop Survey Needs and Survey Scoping 4) Existing Conditions H & H Modeling 5) Proposed Conditions H & H Modeling 6) Develop 30% Plans for Preferred/Selected Alternative (Not Included in the Task Order)

What is the scope of work of the proposal? Will it result in a complete project application for future funding opportunities?

City of Conway, Arkansas Downtown Drainage/Flood Study 1.0 Data Gathering and Assimilation Garver will gather available data to support the project. Most data sources will be provided by or facilitated by the City of Conway:

- a. Conduct kickoff meeting with the client
- b. Hydrologic and hydraulic (H&H) models developed by the previous consultant, including any associated backup data (GIS data, survey data)
- c. H&H models developed by others (FEMA FIS, USACE, etc.)
- d. Plans for Markham Square Park
- e. Plans for the storm sewer trunk line (reinforced concrete arch pipe) from Markham Square Park to outfall
- f. Existing storm drainage network
- g. Historical event data (dates of flooding and estimated depths where available) for potential model calibration
- h. Available NFIP claims for the project area
- i. Precipitation data for historical events
- j. Publicly-available GIS data
- i. Lidar topographic data
- ii. SSURGO soils data
- iii. Aerial photography
- k. Site visit of project area

2.0 Review Existing H&H Models and Supporting Data In the context of data gathered in the previous task, Garver will review the assumptions, supporting data, and setup of the existing H&H models developed by the previous consultant. Garver will assess whether the existing models can be used as the basis of revised and updated H&H modeling or whether

new models should be developed. Garver will provide a short technical memorandum to the City of Conway describing the findings of the review. 3.0 Develop Survey Needs and Survey Scoping Field survey is not included in this Scope of Services. Garver will review the survey data from the previous consultant's H&H study and will determine and recommend additional survey needs, if required. Since the additional survey data is unknown at this time, a separate Task Order for Surveying Services will be developed in coordination with the City of Conway for Garver to acquire any required additional survey. 4.0 Existing Conditions H&H Modeling Based on Garver's review of the previous consultant's H&H models in Task 2, Garver will address deficiencies in assumptions, supporting data, and model setup to develop revised existing conditions H&H modeling. The updated existing conditions H&H modeling may be based on modifications to the previous consultant's models or it may be based on original models developed by Garver. It is anticipated that PCSWMM or other appropriate surface (overland flow and channels) / subsurface (inlets & conduits) stormwater hydraulic modeling software will be required to adequately simulate the complex overland, channel, inlet, and conduit flow in the project area. Garver will calibrate the existing conditions model to available data gathered in Task 1. Garver will summarize the methodology and results of the existing conditions modeling in a technical memorandum to the City of Conway. 5.0 Proposed Conditions H&H Modeling Garver will modify the existing conditions H&H modeling developed in Task 4 to represent proposed conditions. Garver will incorporate proposed detention associated with the future Markham Square Park project. In addition, Garver will develop additional proposed solutions to address flooding issues identified in Task 1 and Task 4. A maximum of three (3) conceptual alternative solutions will be analyzed. Examples of potential alternatives are detention, upsizing existing conveyance features (inlets, channels, culverts, etc.), and/or adding additional conveyance features. Garver will prepare preliminary opinions of probable costs for each conceptual alternative and will prepare a conceptual (pre-design) benefit-cost analysis (BCA) to develop a benefit-cost ratio (BCR)

assess the feasibility of each alternative. The BCA will be based on FEMA guidelines using the appropriate website for FEMA mitigation funding sources. The BCA is subject to revision as the design progresses, but the conceptual BCRs of the conceptual alternatives will be an indicator of potential viability of the alternatives in a subsequent FEMA mitigation funding cycle. Garver will coordinate with the City of Conway to identify a single preferred/selected alternative or suite of alternatives. 6.0 Develop 30% Plans for Preferred/Selected Alternative (Not Included in this Task Order) Conceptual (30%) plans are required for a FEMA Hazard Mitigation Grant application for the mitigation project. Since the preferred alternative is unknown at this time, and it is unknown whether any alternatives can be developed that satisfy FEMA BCR requirements, this scope of services does not include development of 30% plans. If requested, Garver will develop 30% plans and a refined estimate of potential construction costs under a separate Task Order with the City of Conway. 7.0 Prepare Notice of Intent and FEMA Mitigation Project Grant Application (Not Included in this Task Order) Preparation of a Notice of Intent (NOI) and subsequent FEMA Mitigation Project grant application for the FY 2021/2022 grant cycle is contingent upon the development of 30% Plans and BCA for the preferred alternative. This scope of services does not include preparation of the NOI and FEMA Mitigation Project grant application. If requested, Garver will provide these services under a separate Task Order with the City of Conway.

Who will manage and complete the mitigation activity?

The City of Conway has procured Garver Engineering to conduct the study. Garver engineering has been in business since 1875. The Garver Team has many years of experience providing services for cities such as Conway and the challenges they face with the repetitive flooding in the downtown area. With over 800 employees company-wide, including engineers, planners, architects, environmental scientist, technicians, surveyors, Certified Floodplain Managers and administrative support, Gave has the capacity to start the project immediately and complete it on time. Central Arkansas Planning and Development District (CAPDD), along with the City of Conway, will oversee the project. CAPDD

located at 902 N. Center, Lonoke, AR will manage the grant if awarded. CAPDD has been a cornerstone of Lonoke, Monroe, Falkner Pulaski, Prairie and Saline Counties since 1968 and is the link between community, government, and industry in Central Arkansas. CAPDD has been able to fulfill all reporting requirements without delay or concern in a consistent manner on various other types of managed project grants and will continue such reputation with the FEMA Mitigation grant. Among others, the Community Development Block Grants, Rural Development Grants and Hazard Mitigation Assistance Grants are all examples of grant programs that CAPDD has managed efficiently. Much of the managed grants have total project costs of \$1,000,000. Between the Local Jurisdictions and CAPDD, there is sufficient staff to successfully comply with all reporting and record-keeping requirements. CAPDD is a 501 (c) 3 Quasi-Governmental Agency set up by the State of Arkansas in 1968. Because of CAPDD's unique designation, local governments are not required to formally bid for contractual services provided by CAPDD per Arkansas Attorney General's Opinion 2002—180

What are you doing to consider other risks in the project area?

The main focus of the project will be flooding;

Is there an estimate for when the mitigation activity will take place?

The proposed study with results will be completed within 36 months.

What alternatives will be considered?

Flooding mitigation strategies will include Hydrologic and Hydraulic (H & H) models which will result in developing preferred/selected alternatives which may include: drainage new and expanding/upgrading existing, upsizing capacity, infrastructure improvements, etc.

Do activities being considered align with hazard mitigation plan?

yes, Drainage Studies/ Flood Studies along with Flood Mitigation Drainage Improvements are included in the Mitigation Strategies of the 2015 and the draft 2020 Plan.

Additional comments (optional)

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
Planning and Development District Exemption.pdf	11/20/2020	leigh.pool@capdd.org	Scope of Work Attachments	PDD Exempt Form	
Poof of Pub for engineering RFQ.pdf	11/20/2020	leigh.pool@capdd.org	Scope of Work Attachments	Proof of Publication for RFQ	
Detention @ Scrap Metal Yard.pdf	11/20/2020	leigh.pool@capdd.org	Scope of Work Attachments	Project Location Map	
Downtown Drainage Study_Draft Scope.docx	11/20/2020	leigh.pool@capdd.org	Scope of Work Attachments	engineers Scope of Work	
signed authorized agent letter.pdf	11/23/2020	leigh.pool@capdd.org	Scope of Work Attachments	Authorized Agent letter	
Planning and Development District Exemption.pdf	12/21/2020	leigh.pool@capdd.org	Scope of Work Attachments	re-attach Planning and Development District Exemption	

Schedule

Specify the work schedule for the mitigation activities.

Add tasks to the schedule

Please include all tasks necessary to implement this mitigation activity; include descriptions and estimated time frames.

Task Name	Start Month	Task Duration (in Months)
Data Gathering and Assimilation	1	5 months
Task Description Kickoff meeting, Site Visit, Review existing survey data, Historical flooding data, collect additional GIS data, Process topographic data, FEMA data request, Previous consultant's HH modeling and supporting data, Other data , Research NFIP claim data, Review existing plans for detention (Markham Square Park) and storm sewer network.		

<p>Task Name Review Existing H & H Models and Supporting Data</p>	<p>Start Month 6</p>	<p>Task Duration (in Months) 3 months</p> <p>Task Description Review previous consultant's H&H model and supporting data. Prepare technical memorandum</p>
<p>Task Name Develop Survey Needs and Scoping</p>	<p>Start Month 9</p>	<p>Task Duration (in Months) 4 months</p> <p>Task Description Develop scope for additional survey Survey (not included in this Scope of Work, to be provided by others)</p>
<p>Task Name Existing Conditions H&H Modeling</p>	<p>Start Month 13</p>	<p>Task Duration (in Months) 3 months</p> <p>Task Description (Milestone) Establish drainage basins and sub basins, Determine Land Use/CN for sub basins, Determine time of conc/lag times for sub basins, Collect other hydrologic data, Assemble Existing Conditions HEC-HMS model, QA/QC</p>
<p>Task Name Existing Conditions Hydraulic Modeling</p>	<p>Start Month 16</p>	<p>Task Duration (in Months) 5 months</p> <p>Task Description Establish land use/Manning's n coverage, Develop integrated surface/subsurface hydraulic modeling using PCSWMM or similar hydraulic modeling software, Calibrate H&H models to available historic event data, Prepare mapping or model results, QA/QC, Technical memorandum of existing conditions results</p>
<p>Task Name Proposed Conditions H&H Modeling</p>	<p>Start Month 21</p>	<p>Task Duration (in Months) 7 months</p> <p>Task Description Update existing conditions hydrologic model for proposed conditions, Update existing conditions hydraulic model for</p>

Markham Square detention, Update existing conditions H&H models for up to 3 proposed alternatives, Prepare mapping of model results, QA/AC, Technical memorandum of proposed conditions results, Coordination with City on selection of preferred alternative

<p>Task Name Conceptual (30% plan development)</p>	<p>Start Month 28</p>	<p>Task Duration (in Months) 1 months</p> <p>Task Description (Milestone) Civil Engineering: Design Criteria, Coordination with H&H Study, 3D Modeling (Proposed Grading Contours), Horizontal and Vertical Geometry)</p>
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<p>Task Name Conceptual (30% plan development) con't</p>	<p>Start Month 29</p>	<p>Task Duration (in Months) 4 months</p> <p>Task Description Conceptual Plans: cover Sheet, Typical Sections/Details, Site Map, Grading Plans, Plan & Profile Sheets, Utility Companies Coordination, Meetings/Coordination with City, Opinion of Probable Construction Cost Structural Engineering: Conceptual Design, Opinion of Probable Construction Cost</p>
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<p>Task Name Closeout - and NOI for potential construction project</p>	<p>Start Month 33</p>	<p>Task Duration (in Months) 3 months</p> <p>Task Description Closeout for current grant and Coordination with City and CAPDD to prepare NOI for potential construction project</p>
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Estimate the total duration of your proposed activities **36** (in months).

Proposed project start and end dates

Start Date **2021-10-01**
End Date **2024-09-30**

Budget

Budget cost estimate and management cost (optional) should directly link to your scope of work and work schedule. You must add at least one item(s) greater than \$0 for your cost estimate. Once you have added item(s) for your cost estimate, you may then add the item(s) for management cost (optional). As necessary, please adjust your federal/non-federal cost shares and add the non-federal funding source(s) you are planning to use this project. Once you have completed this section, please click the Continue button at the bottom of this page to navigate to the next section.

Add budget cost types and item(s)

Click the Add cost type button below to add cost type cost estimate and then click the Add item(s) button to add the item(s) for the cost estimate. After adding items to your cost estimate, you may then select Add cost type button again to add management costs (optional) and applicable items.

Grand total: \$194,000.00

Budget type: Non construction

▶	Cost type: Cost estimate	\$194,000.00
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Program income (optional)

Cost share

Cost share or matching means the portion of project costs not paid by federal funds.

Proposed federal vs. non-federal funding shares

Hazard Mitigation Assistance (HMA) funds may be used to pay up to 75% federal share of the eligible activity costs. For Building Resilient Infrastructure and communities (BRIC), small impoverished communities may be eligible for up to 90% federal share. For Flood Mitigation Assistance (FMA), and severe repetitive loss (SRL) properties may be eligible for up to 100% federal share. Repetitive loss (RL) properties may be eligible for up to 90% federal share. Flood Mitigation Assistance (FMA) and severe repetitive loss (SRL) properties may be eligible for up to 100% federal share. Repetitive loss (RL) properties may be eligible for up to 90% federal share.

Is this a small impoverished community? ⓘ This determines your federal/non-federal share		%	\$ Dollar amount
		Percentage	
	Proposed federal share	75.00	145500.00

ratio.
No

**Proposed
non-federal
share**

25.00 48500.00

**Based on total
budget cost:
\$194,000.00**

Non-federal funding sources here

That portion of the total costs of the program provided by the non-federal entity in the form of in-kind donations or cash match received from third parties or contributed by the agency. In-kind contributions must be provided and cash expended during the project period along with federal funds to satisfy the matching requirements.

Funding source	Funding amount	% Non-federal share by source
▶ Funding source: Local	\$48,500.00	100.00%

Please provide any additional comments below (optional).

There is a very detailed budget cost sheet attached below for the engineer services

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
Budget for Project.xlsx	11/23/2020	leigh.pool@capdd.org	Budget Attachments	Detailed Breakdown for Budget	
budget for Mgmt Costs Conway Drainage Study.xlsx	11/23/2020	leigh.pool@capdd.org	Budget Attachments	Project Management Budget	
signed Funds Commitment Letter.pdf	11/23/2020	leigh.pool@capdd.org	Budget Attachments	Funds Commitment Form	
APPENDIX B - 19T20186 - Downtown Drainage Study.pdf	11/23/2020	leigh.pool@capdd.org	Budget Attachments	Engineering scoping breakdown	

Cost-effectiveness

How was cost-effectiveness determined for this project?

Not applicable

Please explain why this project is not applicable.

This is Project Scoping for a Drainage/Flood Study for the City of Conway

Please provide any additional comments below (optional).

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
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Evaluation

Is the applicant participating in the [Community Rating System \(CRS\)](#)? **No**

Is the applicant a [Cooperating Technical Partner \(CTP\)](#)? **No**

Was this created from a previous FEMA HMA Advance assistance / Project scoping award? **No**

Has the applicant adopted building codes consistent with the [international codes](#)? **No**

Have the applicant's building codes been assessed on the [Building Code Effectiveness Grading Schedule \(BCEGS\)](#)? **No**

Describe involvement of partners to enhance the mitigation activity outcome.

The City of Conway will work with local downtown business to obtain historical data from the flooding events as well as state and federal partners along side the Planning and Development District and Engineering firm

Additional comments (optional)

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
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Comments & attachments

▶ Community	1 comment, 0 attachments
▶ Mitigation plan	1 comment, 1 attachments
▶ Scope of work	0 comment, 1 attachments
▶ Budget	1 comment, 4 attachments
▶ Cost-effectiveness	0 comment, 0 attachments
▶ Evaluation	0 comment, 0 attachments

Assurances and certifications

OMB number: 4040-0007, Expiration date: 02/28/2022 [View burden statement](#)

SF-424B: Assurances - Non-Construction Programs

OMB Number: 4040-0007

Expiration Date: 02/28/2022

Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

OMB number: 1660-0083, Expiration date: 10/31/2021 [View burden statement](#)

Certifications regarding lobbying; Debarment, Suspension and other responsibility matters; and Drug-free workplace requirements

Content:

OMB Control Number: 1660-0083

Expiration: 10/31/2021

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

1. LOBBYING

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part

18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

Standard Form-LLL 'Disclosure of Lobbying Activities' attached (This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A.

A. The applicant certifies that it and its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
- d. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEE OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.615 and 17.620-

A. The applicant certifies that it will continue to provide a drug-free workplace by;

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's

- workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing an on-going drug free awareness program to inform employees about-
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);
 - d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 1. Abide by the term of the statement; and
 2. Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring on the workplace no later than five calendar days after such convictions;
 - e. Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.
 - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted-
 1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation act of 1973, as amended; or
 2. Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - g. Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

There are workplaces on file that are not identified

Sections 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a state wide certification.



**PROPOSED
STORM WATER
DETENTION AREA**

RETENTION AREA
TOP AT 210
314 AREA = 120 AC
BPM AT 215
314 AREA = 120 AC
TOTAL VOLUME = 9,000 CF

**EXISTING
STORM DRAINAGE
SYSTEM**

**INDICATES
BUILDINGS THAT RECEIVE
WATER DAMAGE**

FLOOD PRONE AREAS

MARKHAM ST.

VAN ROKLE STREET

NORTH STREET

OAK STREET

CHESTNUT ST.

OAK STREET

MAIN STREET

COURT ST.

HARKRIDER (U.S. 66B)

American Management
CITY HALL

PHASE II
5' X 5' BOX
5' X 5' BOX
5' X 5' BOX
5' X 5' BOX

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Opinion No. 2002-180

July 23, 2002

The Honorable Travis Boyd
State Representative
280 West Court Street
Piggott, AR 72454-2640

Dear Representative Boyd:

You have presented the following questions for my opinion:

Are the planning and development districts that are created under A.C.A. § 14-166-201 et seq. “local public procurement units” under A.C.A. § 19-11-201 et seq.?

Are regional solid waste management boards that are created under A.C.A. § 8-6-701 et seq. “local procurement units” under A.C.A. § 19-11-201 et seq.?

Response

Question 1 – Are the planning and development districts that are created under A.C.A. § 14-166-201 et seq. “local public procurement units” under A.C.A. § 19-11-201 et seq.?

Summary of Response: It is my opinion that planning and development districts that are created under A.C.A. § 14-166-201 et seq. constitute “local public procurement units,” under A.C.A. § 19-11-201 et seq. if they expend public funds for the acquisition or leasing of commodities or services.

Discussion

The question of whether an entity constitutes a “local public procurement unit” is pertinent to the issue of whether that entity is subject to certain provisions of the Arkansas Procurement Law (A.C.A. § 19-11-201 et seq.). See esp. A.C.A. § 19-11-249 through -258.

The term “local public procurement unit,” for purposes of the Arkansas Procurement Law, is defined in A.C.A. § 19-11-206, as follows:

(2) “Local public procurement unit” means:

- (A) Any county, city, town, state agency, and any other subdivision of the state or public agency thereof,
- (B) Any fire protection district;
- (C) Any regional water distribution district;

- (D) Any rural development authority;
- (E) Any public authority;
- (F) Any public educational, health, or other institution;
- (G) Any nonprofit corporation during such time that it contracts with the Division of Developmental Disabilities Services of the Department of Human Services to provide services to the developmentally disabled, provided the contract exceeds seventy-five thousand dollars (\$75,000) per year;
- (H) Any nonprofit corporation providing fire protection services to a rural area or providing drinking water to the public in a rural area;
- (I) Any nonprofit corporation which contracts with the Department of Human Services, provided that the contract includes provisions for transportation services, and the contract exceeds seventy-five thousand dollars (\$75,000) per year; and
- (J) To the extent not prohibited by law, any other entity which expends public funds for the acquisition or leasing of commodities and services;

A.C.A. § 19-11-206.

Of the above-listed categories of entities that constitute local public procurement units, the only category into which planning and development districts that are created under A.C.A. § 14-166-201 et seq. can fit is subsection (J). Such districts belong to this category only if they expend public funds for the acquisition or leasing of commodities and services. These districts do receive public funds. A.C.A. § 14-166-204. The question is thus whether they expend these funds for the acquisition or leasing of commodities or services.

The term “commodities” is defined for purposes of the Arkansas Purchasing Law as follows:

(4) “Commodities” means all property, including, but not limited to, equipment, printing, stationery, supplies, and insurance but excluding leases on real property, real property or a permanent interest in real property, exempt commodities and services, and capital improvements[.]

A.C.A. § 19-11-203(4).

The term “services” is defined as follows:

(27)(A) “Services” means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance.

(B) This term shall not include employment agreements, collective bargaining agreements, exempt commodities and services, or architectural or engineering contracts requiring approval of Arkansas State Building Services or public institutions of higher education

A.C.A. § 19-11-203(27).

The term “exempt commodities and services” is defined as follows:

(14) “Exempt commodities and services” means:

- (A) Advertising in newspapers, periodicals, and related publications, and on television, radio, billboards, and electronic media;
- (B) Animals procured for medical research;
- (C)(i) Commodities and services for use in research, education, and treatment for the diagnosis, cure,

and prevention of disease may be procured, with administrative approval, through a group purchasing entity serving other public health institutions when substantial savings are available.

(ii) A report shall be filed annually with the division of the Legislative Audit reflecting the justification of and the estimated savings accruing due to the use of this exemption;

(D)(i) Commodities procured for resale in cafeterias, commissaries, bookstores, gift shops, canteens, and other similar establishments.

(ii) However, these commodities procured shall not be sold or transferred to any agency with the intent of circumventing applicable procurement procedures;

(E) Commodities procured from nonprofit workshops in accordance with § 19-11-501 et seq.;

(F)(i) Contracts awarded by agencies for the construction of buildings and facilities and for major repairs.

(ii) These contract exemptions shall not extend to the procurement of any commodities not otherwise exempt, which are to be furnished by the agency under any such contract;

(G) Contracts awarded by the Arkansas State Highway and Transportation Department for the construction, reconstruction, and maintenance of roads and bridges in the state highway system and for the county rural road aid, and city street aid programs;

(H) Contracts by institutions of higher learning for personal and consulting services and contracts with students;

(I)(i) Farm products procured or sold by a state agency having an agency procurement official.

(ii) The current trade customs with respect to the procurement or sale of cotton, cotton seed, rice, and other farm products shall be followed when it is necessary to do so in order to obtain the best price for the commodities procured or sold;

(J) Fees, including medical fees and physician fees;

(K) Foster care maintenance services provided by foster family homes approved by the Division of Children and Family Services for children whose placement and care are the responsibility of the division;

(L) Freight and storage charges and demurrage;

(M) Licenses required prior to performance of services;

(N)(i) Livestock procured by an agency having an official experienced in selection and procurement of livestock.

(ii) Such procurement will be reported to the State Procurement Director, giving details of the purchase;

(O) Livestock procured for breeding, research, or experimental purposes;

(P) Maintenance on office machines and technical equipment;

(Q) Medical items specifically requested by a physician for treatment or diagnosis of patients in his or her care including prosthetic devices, surgical instruments, heart valves, pacemakers, radioisotopes, and catheters;

(R) Membership in professional, trade, and other similar associations;

(S) Perishable foodstuffs for immediate use or processing;

(T) Postage;

(U) Professional and consultant services procured in accordance with § 19-4-1701 et seq.;

(V) Published books, manuals, maps, periodicals, films, technical pamphlets, and copyrighted educational aids for use in libraries and for other informational or instructional purposes in instances in which other applicable law does not provide a restrictive means for the acquisition of them;

(W) Services of visiting speakers, lecturers, and performing artists;

(X) Taxes;

(Y) Travel expense items such as room and board and transportation charges;

(Z) Utility services or equipment which is defined, recognized, and regulated by the Arkansas Public Service Commission as a monopoly offering; and

(AA) Works of art for museum and public display[.]

A.C.A. § 19-11-203(14).

If any planning and development district that was created under A.C.A. § 14-166-201 et seq. expends its allocation of public funds for the acquisition or leasing of non-exempt commodities or services within the meaning of the above-quoted definitions, it constitutes a “local public procurement unit” for purposes of the Arkansas Procurement Law.

It should be noted that the Arkansas Procurement Law states the following limitation on its applicability:

(a) This subchapter shall apply to every expenditure of public funds by this state, acting through a state agency as defined in 19-11-203, under any contract. This subchapter shall not apply to either grants or contracts between the state and its political subdivisions or other governments, except as provided in 19-11-206 and 19-11-249 - 19-11-258. It shall also apply to the disposal of state commodities. This subchapter shall not apply to contracts between agencies, except as provided in 19-11-206 and 19-11-249 - 19-11-258.

(b) The provisions of this subchapter shall not preclude the acceptance of gifts and donations in the manner authorized by law.

A.C.A. § 19-11-207.

Question 2 – Are regional solid waste management boards that are created under A.C.A. § 8-6-701 et seq. “local procurement units” under A.C.A. § 19-11-201 et seq.?

Summary of Response: It is my opinion that regional solid waste management boards that are created under A.C.A. § 8-6-701 et seq. constitute “local procurement units” under A.C.A. § 19-11-201 et seq. if they expend public funds for the acquisition or leasing of commodities or services.

Discussion

Like the planning and development districts that were discussed in response to Question 1, regional solid waste management districts that are created under A.C.A. § 8-6-701 et seq. can fit into only one of the categories of entities listed in A.C.A. § 19-11-206 that constitute “local public procurement units” – the category described in subsection (J). Accordingly, these districts will constitute “local public procurement units” only if they expend public funds for the acquisition or leasing of commodities or services. Regional solid waste management districts are authorized to receive public funds in the form of grants from the Waste Tire Grant Fund, which is constituted from fees and appropriations. See A.C.A. § 8-9-404. Grants from this fund must be used for the purposes listed in A.C.A. § 8-9-405, some of which could reasonably be interpreted to constitute “commodities” or “services,” within the meaning of the Arkansas Purchasing Law. See A.C.A. § 19-11-203(4)(14)(27), all of which are set out in full in response to Question 1.

For this reason, I conclude that if a regional solid waste management district receives grants from the Waste Tire Grant Fund (or public funds from any other source), and if that district expends those public funds for the acquisition or leasing of commodities or services, it constitutes a “local public procurement unit,” within the meaning of A.C.A. § 19-11-206. The limitations on applicability, as stated in A.C.A. § 19-11-207, quoted above, must also be considered.

It should also be noted that this office has previously opined that regional solid waste management districts are “state agencies” that are subject to the Arkansas Procurement Law. See Op. Att’y Gen. No. 91-442.

Assistant Attorney General Suzanne Antley prepared the foregoing opinion, which I hereby approve.

Sincerely,

MARK PRYOR
Attorney General