

1 **ORDINANCE NO. _____**

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3 **AN ORDINANCE TO AMEND LITTLE ROCK, ARK., REV. CODE §§ 2-**
4 **242(a) AND (b) (1988), TO INCREASE THE AMOUNT REQUIRED**
5 **BEFORE FORMAL COMPETITIVE BIDDING PROCESSES ARE**
6 **REQUIRED; TO DECLARE AN EMERGENCY; AND FOR OTHER**
7 **PURPOSES.**
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9 **WHEREAS**, pursuant to Ark. Code Ann. § 14-47-120 (5) (A) (West Supp. 2016), the City Manager is
10 authorized to approve the expenditure of funds for various contracts up to a limit set by the Board of
11 Directors; and,

12 **WHEREAS**, pursuant to Ark. Code Ann. § 19-11-229 (b) (West Supp. 2018) the State allows the
13 amount for State purchases to require formal competitive bids at Seventy-Five Thousand Dollars
14 (\$75,000.00);

15 **WHEREAS**, as a part of the What Works Cities Initiative, the City's Purchasing Division worked with
16 the Harvard Performance Lab to evaluate all City purchasing procedures; and,

17 **WHEREAS**, as a result of the review, it was determined that the current amount of Twenty-Five
18 Thousand Dollars (\$25,000.00) for purchases and contracts is too low when compared with regional cities
19 comparable in size to the City of Little Rock.

20 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**
21 **OF LITTLE ROCK, ARKANSAS:**

22 **Section 1.** Little Rock, Ark., Rev. Code § 2-242 (a) (1988) is hereby amended to read as follows:

- 23 (1) Where the amount of expenditure for any purchase or contract authorized in Section
24 2-241 exceeds Fifty Thousand Dollars (\$50,000.00) or more, the City Manager, or
25 City Manager designee, shall invite competitive bidding thereon by legal
26 advertisement published one (1) time in any local daily newspaper or posting by
27 electronic media, but in all instances, adequate notice shall be given; bids received
28 pursuant to the advertisement shall be opened not less than seven (7) days, nor more
29 than thirty (30) days following the date of invitation to bid unless the City Manager
30 authorizes an increase in the maximum number of days the bid shall be open due to
31 the complex nature of the bid issue. Any such extension in the maximum number of
32 days the bid shall be open must be authorized prior to the bid opening; provided;
33 however, the City Manager or Board of Directors may reject any and all bids.

1 (2) This requirement for competitive bids does not apply to commodities that are
2 purchased solely for resale at city facilities; for purposes of this Subsection (a)(2),
3 commodities means perishable foodstuffs for immediate use, unprocessed feed for
4 livestock, poultry, or animals at the Little Rock Zoo, or items purchased on the open
5 market without modification for resale at a gift shop, pro shop, or similar facility,
6 operated by the City.

7 (3) This requirement for competitive bids does not apply to advertising services for
8 events and promotions sponsored by the City of Little Rock; for purposes of this
9 Subsection (a)(3), advertising services means advertising in newspapers,
10 periodicals, and related publications and advertising on television, radio, billboards,
11 and electronic media.

12 **Section 3.** Little Rock, Ark., Rev. Code § 2-242 (b) (1988) is hereby amended to read as follows:

13 In the event the net price to be awarded on any contract or purchase of goods or
14 services, other than professional services, is less than Fifty Thousand Dollars
15 (\$50,000.00) during the course of the contract, the City Manager shall be authorized
16 to award the contract or purchase without transmitting the bids to the Board of
17 Directors.

18 **Section 4. *Effective Date.*** Upon the passage of this ordinance, and the emergency clause, these
19 provisions will apply to all competitive selection processes issued after the date of passage of this ordinance,
20 provided the City has sent a written amendment to any eligible pending solicitations of the provisions of
21 this ordinance.

22 **Section 5. *Severability.*** In the event any title, subtitle, section, subsection, subdivision, paragraph,
23 subparagraph, item, sentence, clause, phrase, or work of this ordinance is declared or adjudged to be invalid
24 or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance
25 which shall remain in full force and effect as if the portion so declared or adjudged invalid or
26 unconstitutional was not originally a part of this ordinance.

27 **Section 6. *Repealer.*** All ordinances, resolutions, or parts of the same that are inconsistent with the
28 provisions of this ordinance are hereby repealed to the extent of such inconsistency.

29 **Section 7. *Emergency Clause.*** *The ability to act promptly on the purchase of materials and services*
30 *in all appropriate cases without the need for a resolution of the governing body is necessary for a vibrant*
31 *city and is essential to the public health, safety and welfare, and with the changes in the economy and the*
32 *cost of goods the current limits placed upon City purchases is too low which impacts the public health,*
33 *safety, and welfare; an emergency is, therefore, declared to exist and this ordinance shall be in full force*
34 *and effect from and after the date of its passage.*

35 **PASSED: March 20, 2018**

1 **ATTEST:**

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Susan Langley, City Clerk

5 **APPROVED AS TO LEGAL FORM:**

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Thomas M. Carpenter, City Attorney

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APPROVED:

Mark Stodola, Mayor