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City Of North Little Rock, Arkansas

Office Of The City Attorney

300 Main Street—P.O. Box 5757  
North Little Rock, Arkansas 72119  
(501) 975-3755—Fax (501) 340-5341

C. Jason Carter  
City Attorney  
William M. Brown  
Assistant City Attorney  
Daniel L. McFadden  
Assistant City Attorney

Matthew W. Fleming  
Deputy City Attorney  
Tjuana C. Byrd  
Assistant City Attorney  
Paula Juels Jones  
Assistant City Attorney

February 27, 2015

Honorable Members of the North Little Rock City Council  
c/o North Little Rock City Hall  
300 Main Street  
North Little Rock, AR 72114

RE: Opinion No. 15-01 – Cooperative Procurement by the  
City of North Little Rock (the “City”)

Honorable Members of the North Little Rock City Council:

The purpose of this opinion is to give brief guidance about engaging in cooperative procurement through organizations such as HGACBuy.

The relevant Arkansas law governing cooperative procurement is found at Ark. Code Ann. 19-11-249 which authorizes the City to participate in a cooperative procurement process through agreements with organizations that provide public procurement services.

Ark. Code Ann. 19-11-206 defines what a local procurement unit is, and the City is included as an entity authorized to engage in cooperative purchasing as an alternative to the bidding (or waiver) process found in Ark. Code Ann. 14-58-303.

Accordingly, it is my opinion that the City does not have to utilize the waiver of bids process through ordinance when purchasing through a cooperative purchasing entity (such as HGACBuy), as long as we have a participation agreement with the cooperative purchasing entity. That said, the waiver process that we have previously used is legal, but not required.

In future purchases through HGACBuy (or any other cooperative purchasing entity) that require legislation, the City Council can use a resolution and cite our authority found at Ark. Code Ann. 19-11-249 (Cooperative Purchasing), rather than Ark. Code Ann. 14-58-303 (Waiver of Bid Process).

Sincerely,



C. Jason Carter  
City Attorney

FILED 1030 A.M. \_\_\_\_\_ P.M.

BY Deputy Atty Fleming

DATE 3-3-15  
Diane Whitebey, City Clerk and Collector  
North Little Rock, Arkansas

RECEIVED by W Boggs