O-21-85

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2-700 OF THE NORTH LITTLE ROCK MUNICIPAL CODE REGARDING COMPETITIVE BIDS TO RAISE THE AMOUNT OF EXPENDITURES REQUIRED FOR COMPETITIVE BIDDING TO CONFORM WITH STATE LAW; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, § 2-700 of the North Little Rock Municipal Code ("NLRMC") provides that any contract amount exceeding Twenty Thousand & 00/100 Dollars ($20,000.00) shall be competitively bid; and

WHEREAS, it is often inefficient to bid contracts up to $35,000.00 in that it delays purchases and minor capital improvements needed to benefit the citizens and residents of North Little Rock; and

WHEREAS, Act 435 of 2021 raised competitive bidding requirements for goods and services set forth in Ark. Code Ann. § 14-58-303(2)(A)(i) from $20,000.00 to $35,000.00 for municipalities; and

WHEREAS, Act 440 of 2021 raised competitive bidding requirements for public improvements contracts (contracts providing for the making of major repairs or alterations, for the erection of buildings or other structures, or for making other permanent improvements) set forth in Ark. Code Ann. § 22-9-203(a) from $35,000.00 to $50,000.00.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Paragraph (a) of §2-700 (Competitive bids) of the North Little Rock Municipal Code is hereby amended as follows:

> (a) The purchasing agent shall have authority to make any and all purchases for goods and services of any amounts less than ~~$20,000.00~~ $35,000.00. Where the amount of any expenditure for any purpose or contract exceeds the sum of ~~$20,000.00~~ $35,000.00, the Mayor or his duly authorized representative shall invite competitive bidding thereon by legal advertisement in any newspaper having general circulation in the city. Bids received pursuant to such advertisement shall be opened and read on the date set for receiving such bids in the presence of the Mayor or his duly authorized representative, together with any committee that may be named by the Mayor or the City Council for this purpose. The officials designated to receive such bids shall have exclusive power to award to the lowest, responsible bidder; provided however, that the mayor and any committee designated to receive bids may reject any and all bids received; provided further, that the city council, by ~~ordinance~~ resolution, may waive the requirements of

competitive bidding in exceptional situations where such procedure is deemed not feasible or practical. The award of contracts for public improvements (contracts providing for the making of major repairs or alterations, for the erection of buildings or other structures, or for making other permanent improvements) shall follow the statutory procedures set forth in Ark. Code Ann. § 22-9-201, et. seq.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the adoption of this Ordinance is immediately necessary to insure the proper and orderly growth of the City of North Little Rock, Arkansas and is necessary for the immediate preservation of public, health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:

Terry C Hartwick

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED 10:45 A.M. _____ P.M.
By A. Fields
DATE 9.21.21
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED BY S. Usserg