

**ORDINANCE NO. 2015-09-\_\_\_\_\_**

**AN ORDINANCE ADOPTING REVISIONS OF SECTION .02  
OF CHAPTER 32 OF THE MUNICIPAL CODE FOR THE  
CITY OF TONTITOWN, ARKANSAS.**

**WHEREAS**, the city of Tontitown, Arkansas, has adopted a Municipal Code of Ordinances;  
and

**WHEREAS**, the City Council of the city of Tontitown, Arkansas, has found that the current  
Section 32.02 of the Tontitown Municipal Code is in need of certain revisions; and

**WHEREAS**, the City Council wishes to align the purchasing procedures and policies of the  
city of Tontitown, Arkansas, with those prescribed by state law.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the city of Tontitown,  
Arkansas:

Section 1: That Section .02 of Chapter 32 of the Tontitown Municipal Code is hereby  
repealed.

Section 2: That Section .02 of Chapter 32 of the Tontitown Municipal Code, as revised  
and attached hereto as Exhibit "A" and made a part of this ordinance, is hereby adopted.

**PASSED AND APPROVED** this 1<sup>st</sup> day of September, 2015.

\_\_\_\_\_  
PAUL COLVIN, JR., Mayor

ATTEST:

\_\_\_\_\_  
ALICIA COLLINS, Recorder-Treasurer

## **§ 32.02 PURCHASING BY MAYOR AND COUNCIL MEMBERS; PROCEDURE.**

(A) The approval by the Council of the budget shall amount to an appropriation of funds, which are lawfully applicable to the items therein contained. Expenditures shall be made only from funds previously appropriated by Council and only for the purposes set forth in such appropriation.

(B) The Mayor, or the Mayor's duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes in and for the City of Tontitown and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of the city, or in carrying out any work or undertaking of a public nature therein that does not exceed \$20,000.

(C) For all purchases of supplies, apparatus, equipment, materials, and other things requisite for the city, or for necessary contracts for work or labor, where the expenditure therefor is, or is anticipated to be, in excess of \$20,000, the following process shall be followed:

(1) An invitation for bids shall be published by legal advertisement in any paper of general circulation within the city.

(2) If at least three bids are received, the bids shall be opened at the date, time and location set for the opening of bids. The City Council is not required to award the contract, however, if the City Council decides to award the contract, it shall be awarded to the lowest responsible bidder, provided that the City Council may reject any or all bids determined to be in the Council's discretion, unreasonable, undesirable, insufficient, not in accordance with the invitation for bids, or submitted by an irresponsible or unreliable bidder.

(3) In the event fewer than three bids are received, City Council may choose to either proceed with the bid opening or may extend the invitation period for no more than 20 days. If extended, the bids shall be opened at the place, time and date set for the opening of bids. The City Council is not required to award the contract, however, if the City Council decides to award the contract, it shall be awarded to the lowest responsible bidder, provided that the City Council may reject any or all bids determined to be, in the Council's discretion, unreasonable, undesirable, insufficient, not in accordance with the invitation for bids, or submitted by an irresponsible or unreliable bidder.

(4) Once it is determined that a particular bid will be accepted, the Mayor or the Mayor's duly authorized representative shall award the bid to successful bidder and, with the participation of the City Attorney, shall ensure a proper contract is entered into between the city and the successful bidder.

(D) No invitation for bids, advertisement or competitive bidding shall be required for:

(1) Professional services; or

(2) Products or services determined by the City Council to be provided by a unique vendor such that it does not lend itself to competitive bidding; or

(3) When it is determined by the City Council that competitive bidding is not feasible, possible or practical under the circumstances; or

(4) When reimbursing or repaying a federal, state, county or another local governmental entity for goods or services purchased for the benefit of, or on behalf of, the city, provided that the governmental entity complied with applicable competitive bidding laws or regulations when making the purchase or expenditure to be reimbursed or repaid; or

(5) In cases of emergency. In the event of emergency, the Mayor shall report the expenditure to the City Council and shall certify in writing the facts constituting the emergency no later than the next regular City Council meeting or special meeting called for that purpose.

(E) The Mayor, or the Mayor's duly authorized representative, may approve for payment out of any funds previously appropriated pursuant to the process and for the purposes enumerated above, or disapprove any bills, debts, or liabilities asserted as claims against the city, when funds on hand are adequate to pay such bills, debts, or liabilities .

(F) The Mayor, or the Mayor's duly authorized representative, may sell or exchange any municipal supplies, apparatus, equipment, materials, and other things requisite for the city, pursuant to the following procedure:

(1) The Mayor, or the Mayor's duly authorized representative, may sell or exchange any municipal supplies, materials or equipment without competitive bidding, if such supplies, materials, or equipment have a value of less than \$20,000.

(2) If the Mayor believes the value of such supplies, apparatus, equipment, material, or other things to be sold or exchanged is less than \$20,000, he or she shall certify his or her opinion in writing to the governing body, after which the Mayor or the Mayor's duly authorized representative may sell or exchange such supplies, apparatus, equipment, material, or other things without approval by the governing body.

(3) Supplies, materials or equipment having a value in excess of \$20,000, or for which the Mayor has not previously certified his or her opinion of value in accordance with this section, shall be sold or exchanged only:

(a) By advertising the item for sale by legal publication in a paper of general circulation within the city. The advertisement shall invite bids, and the highest bidder shall be accepted, provided that the City Council may reject any and all bids determined, in its discretion, to be unreasonable, undesirable, not in accordance with the invitation for bids or submitted by an irresponsible or unreliable bidder. The City may dispense with publication and competitive bidding when it determines the same is not feasible, possible or practical under the circumstances; or

(b) To the highest bidder at a public auction under such terms as set by the City Council.

(G) The Mayor and alderman may conduct business with the city under the following conditions:

(1) The purchase is under \$20,000 in value and comparable merchandise or equipment at comparable prices is not otherwise available within the city.

(2) The cost of the service is under \$20,000 in value and comparable services at comparable prices are not otherwise available within the city,

(H) The Mayor, or the Mayor's duly authorized representative, shall observe the following procedures for purchasing, which shall be the purchasing policy for the city. All items purchased should be assigned purchase orders.

(I) Each alderman, the Recorder/Treasurer and the Mayor shall be authorized to sign checks or drafts on the city accounts, unless otherwise specifically required by law. Two authorized signatures shall be required on all checks or drafts on city accounts.

(Ord. 2009-04-334, passed 4-7-09; Am. Ord. 2009-04-336, passed 4-7-09; Am. Ord. 2011-01-369, passed 1-5-11)