

ORDINANCE NO. 2026-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE REQUIRING THE SOLICITATION AND EVALUATION OF STATEMENTS OF QUALIFICATIONS FOR PROFESSIONAL SERVICES; ESTABLISHING A QUALIFICATIONS-BASED SELECTION PROCESS; INCLUDING INFORMATION TECHNOLOGY SERVICES; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Tontitown seeks to ensure compliance with Arkansas Code § 19-11-802; and

WHEREAS, the City of Tontitown desires to promote transparency, fairness, and accountability in procurement; and

WHEREAS, the City Council finds it necessary to establish a uniform and enforceable process;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

SECTION 1. PURPOSE

The purpose of this ordinance is to ensure compliance with Arkansas law and establish a consistent process for the procurement of professional services.

SECTION 2. DEFINITIONS

“Professional Services” shall include those services identified under Arkansas Code § 19-11-802, including legal, architectural, engineering, construction management, land surveying, and financial advisory services.

The term may include other consulting or professional services, including information technology services, upon a two-third (2/3) vote of the City Council in accordance with Arkansas law.

“Statement of Qualifications” or “SOQ” means a written submission of a firm’s experience, technical competence, past performance, and capacity to perform the proposed work.

“Request for Qualifications” or “RFQ” means a public solicitation for Statement of Qualifications.

SECTION 3. RFQ/SOQ REQUIREMENT

The City shall utilize a qualifications-based selection process for the procurement of Professional Services. The City may solicit Statements of Qualifications through a Request for Qualifications or may utilize current statements of qualifications and performance data on file.

Public advertisement of RFQs shall be required when deemed appropriate by the mayor, department head, or City Council based on the scope and nature of the project.

SECTION 4. SELECTION PROCESS

(a) Selection of firms shall be based solely on demonstrated competence and qualifications for the type of services required.

(b) The City shall evaluate firms using factors that may include:

- (1) Experience and technical competence;
- (2) Past performance and references;
- (3) Capacity to perform the work within required timeframes;
- (4) Familiarity with applicable laws and local conditions; and
- (5) Any other relevant qualifications-based criteria.

(c) The City shall not use competitive bidding or cost-based selection methods for Professional Services identified under Arkansas Code § 19-11-802.

(d) The City shall rank the most qualified firms and shall then enter into negotiations for fair and reasonable compensation with the highest-ranked firm.

(e) If the City is unable to negotiate a satisfactory contract with the highest-ranked firm, negotiations shall be terminated and commenced with the next most qualified firm.

SECTION 5. EXCEPTIONS

Notwithstanding the foregoing, the City may waive the RFQ process in the event of:

- (a) An emergency affecting public health, safety, or welfare;
- (b) Continuation of existing professional services where efficiency or continuity is required; or
- (c) Specialized services where only one qualified provider is reasonably available.

Any such waiver shall be documented in writing and approved by the Mayor and City Council.

SECTION 6. DOCUMENTATION

The City shall maintain records of all procurement activities conducted under this ordinance, including evaluation criteria, rankings, and negotiation outcomes, in accordance with applicable public records laws including the Arkansas Freedom of Information Act.

SECTION 7. ENFORCEMENT

Any contract entered into in violation of this ordinance shall be voidable by the City Council.

Payments under any non-compliant contract may be suspended or disallowed.

Any public official or city employee who knowingly violates this ordinance may be subject to disciplinary action in accordance with applicable personnel policies and law.

SECTION 8. SEVERABILITY

If any provision is invalid, the remainder shall remain in effect.

SECTION 9. PREMPTION. This ordinance is intended to be consistent with Arkansas Code § 19-11-801 et seq., and in the event of any conflict, state law shall control.

SECTION 10. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication.

PASSED AND APPROVED on this _____ day of April 2026.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

SPONSORSHIP AND LEGISLATIVE HISTORY

Sponsor (Initiated By): _____

Motion to Introduce Made By: _____

Seconded By: _____

Adopted / Passed: _____

Vote: Ayes ____ Nays ____ Abstain ____ Absent ____

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.