

DIVISION 4. - PURCHASES

[Sec. 2-241. - Authority of city manager.](#)

[Sec. 2-242. - Bids.](#)

[Sec. 2-243. - Competitive selection of professional services.](#)

[Sec. 2-244. - Selection of professional services for rate increases and bond issues.](#)

Sec. 2-241. - Authority of city manager.

The city manager or his authorized representative shall have the 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, and to make all necessary contracts for work or labor to be done, or materials 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.

(Code 1961, § 2-43)

State law reference— Authority of manager to make contracts, purchases, etc., A.C.A. § 14-47-120(5).

Sec. 2-242. - Bids.

(a)

Where the amount of expenditure for any purchase or contract authorized in [section 2-241](#) exceeds twenty-five thousand dollars (\$25,000.00) or more the city manager or his authorized agent shall invite competitive bidding thereon by legal advertisement published one (1) time in any local daily newspaper; bids received pursuant to the advertisement shall be opened not less than seven (7) days nor more than thirty (30) days following the date of invitation to bid. In the event the lowest responsible and responsive bid is twenty-five thousand dollars (\$25,000.00) or more, the city manager shall transmit to the board of directors all bids received thereon and the board of directors, with the approval of the city manager, by resolution duly passed, shall authorize the purchase or contract to the lowest responsible and responsive bidder,

unless the contract is subject to section 2-243; provided, however, the city manager or board of directors may reject any and all bids.

(b)

In the event the net price to be awarded on any contract or purchase of goods or services, other than professional services, is less than fifty thousand dollars (\$50,000.00) the city manager shall be authorized to award the contract or purchase without transmitting the bids to the board of directors, provided that contracts for all professional services shall be transmitted to the board of directors for final approval.

(c)

No personal property owned by the city shall be sold or exchanged without competitive bidding unless the city manager shall certify in writing that, in his opinion, the fair market value of such property is less than ten thousand dollars (\$10,000.00).

(d)

The board of directors, by ordinance, may waive the requirement of competitive bidding in exceptional situations where such procedure is not feasible, but such exceptional situations being lacking, the board of directors may not except any particular bid from the requirement of competitive bidding.

(e)

The city manager is authorized to approve professional service contracts up to fifty thousand dollars (\$50,000.00), exclusive of political consultants and lobbyists, which must still receive board approval.

(Code 1961, § 2-44; Ord. No. 15,221, § 2, 12-2-86; Ord. No. 16,948, §§ 1, 2, 8-1-95; Ord. No. 17,440, § 1, 3-18-97; Ord. No. 17,701, § 1, 4-7-98; Ord. No. 17,860, § 1, 11-2-98; Ord. No. 18,652, § 1, 12-18-01)

State law reference— Bids, A.C.A. § 14-47-138.

Sec. 2-243. - Competitive selection of professional services.

(a)

The city and all its boards, commissions and authorities not otherwise authorized to do so by state law, shall competitively select based on qualifications and other relevant evaluation criteria other than price or cost:

(1)

As required by the Arkansas Code, all architectural, engineering, legal, land surveying services done for or on behalf of the city;

(2)

All services declared to be a professional service if done for or on behalf of the city, its boards, commissions or authorities, including the following:

- a. Accounting services.
- b. Construction management services.
- c. Stormwater utility management services.
- d. Information system services consultants.
- e. Executive recruitment services.
- f. Lobbyist services.
- g. Housing counseling services.
- h. Industrial psychologists and other disciplines associated with development and implementation of tests and systems designed for hiring and promotion of municipal employees.
- i. Employee benefit plan consultant services.
- j. Municipal code codification services.
- k. Advertising design and consultation services.
- l. Real estate marketing.
- m. Entertainment promotion.
- n. Growth management consultant.
- o. Historic preservation consultant.
- p. Environmental systems engineers and suppliers.
- q.

Labor economics consultants.

r.

Veterinarian services which can include [those] selected on the basis of exotic animal veterinarian services for entities such as the Little Rock Zoo, or on the basis of typical veterinarian services for domesticated animals.

s.

Property and casualty insurance consultant.

t.

Development or redevelopment coordinator.

u.

Development fees consultant.

v.

Abstract and real estate title services.

w.

Broadband services provider.

x.

Real estate appraisal services.

y.

Environmental consultant services.

(3)

Any other appropriate service that the board may from time to time declare to be a professional service because cost or price bidding, is found to be impractical, unfeasible, or, if based solely upon price, would result in an outcome that would not meet the best interests of the city.

(b)

It is the policy of the city to publicly announce all requirements for the competitive selection of professional services as referenced above, and to negotiate contracts for such services on the basis of demonstrated competence and qualifications for the type of professional services required provided that the services are rendered at fair and reasonable prices.

(c)

All municipal boards, commissions, and authorities established pursuant to state statute or other legislative authority other than that provided for in A.C.A. tit. 14, ch. 47 [A.C.A. § 14-47-101 et seq.], shall be responsible for the implementation of such policies and procedures as are hereinafter delegated to the city manager and the board of directors.

(d)

The competitive selection for such services shall be conducted by a review committee which has been selected by the appropriate governing board, commission or authority as the case may be, which shall include appropriate city personnel and professionals, and/or individuals with community expertise based on the nature of the services to be selected. The review committee for each proposed contract, shall establish the qualifications and evaluation criteria necessary for the specific services to be provided.

(e)

The city manager will cause to be advertised in a newspaper of general circulation a notice that the city has a need to contract for a particular professional service and shall invite all interested parties to submit within ten (10) days, to the extent permitted by the ethical standards of the profession, a statement of their qualifications and other relevant information based on the evaluation criteria specifically developed for the proposed services to be provided.

(f)

The review committee shall evaluate all statements of qualifications and other submittals and may conduct interviews with up to five (5) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based on criteria established and published by the review committee, no less than three (3) of the firms deemed to be the most highly qualified to provide the services required.

(g)

The review committee or its designee shall then negotiate a contract with the highest qualified firm for the services to be rendered, at compensation which the review committee, or its designee, determines is fair and reasonable to the city, subject to the approval of the governing board, commission or authority as referred to in subsection (c) of this section. In making such determination, the review committee or its designee, shall take into account the scope, complexity, and professional nature of the services to be rendered.

(h)

Should the review committee, or its designee, be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price determined to be fair and reasonable to the city, negotiations with that firm shall be formally terminated. The review committee, or its designee, shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the review committee, or its designee, shall terminate negotiations. The review committee, or its

designee, shall then undertake negotiations with the third most qualified firm. Should the review committee, or its designee, be unable to negotiate a satisfactory contract with any of the selected firms, then the review committee shall select additional qualified firms in ranking order based on their competence and the information submitted pursuant to the evaluation criteria established and continue negotiations in accordance with this subsection until an agreement is reached.

(i)

The requirement for a review committee shall be waived and the review of qualifications as hereinabove stated shall be delegated to the responsible department head for recommendation to the city manager who shall review and approve or disapprove all professional services contracts in an amount of five thousand dollars (\$5,000.00) or less.

(Code 1961, § 2-44a; Ord. No. 15, 221, § 1, 12-2-86; Ord. No. 16,982, § 1, 10-3-95; Ord. No. 17, 111, § 2, 2-6-96; Ord. No. 17,170, § 1, 4-16-96; Ord. No. 17, 439, §§ 1, 2, 3-18-97; Ord. No. 17, 479, § 1, 5-6-97; Ord. No. 17, 563, § 1, 8-19-97; Ord. No. 17, 588, § 1, 10-7-97; Ord. No. 17,705, § 1, 4-7-98; Ord. No. 17, 818, § 1, 9-1-98; Ord. No. 18,100, § 1, 9-21-99; Ord. No. 18,111, § 1, 10-19-99; Ord. No. 18,113, § 1, 10-19-99; Ord. No. 18,426, § 1, 2-6-01; Ord. No. 18,449, § 1, 3-20-01; Ord. No. 18,667, § 1, 4-16-02; Ord. No. 18,684, § 1, 5-21-02; Ord. No. 19,110, § 1, 5-18-04; Ord. No. 19,180, § 1, 9-21-04; Ord. No. 19,484, § 1, 2-7-06; Ord. No. 20,095, § 1, 4-7-09; Ord. No. 20,148, § 1, 8-18-09; Ord. No. 20,241, § 1, 4-6-10)

Sec. 2-244. - Selection of professional services for rate increases and bond issues.

The selection by an agency of bond counsel, independent financial advisor, or any other professional service will be made in accordance with the provisions of [section 2-243](#). The assistant city manager for administration will be a member of the review committee established by [section 2-243](#) for selection of bond issue-related professional services, and will inform the city manager of all proposed selections before contracts are executed for such services.

(Ord. No. 15,249, § 3, 2-17-87)