ORDINANCE NO. _________

AN ORDINANCE TO AMEND LITTLE ROCK, ARK., REV. CODE § 2- 242(a) (1988) TO DECLARE THAT CERTAIN COMMODITIES DO NOT HAVE TO BE THE SUBJECT OF COMPETITIVE BIDDING; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, State Law does not require competitive bidding for commodities for resale such as food, and items to be sold in gift shops at state facilities; and,

WHEREAS, a city with a Management Form of Government is required by Ark. Code Ann. § 14-47-138 (a) (West 2004), to set the amount at which competitive bids for goods, services, and other purchases is required and the Board of Directors has set that amount at Twenty-Five Thousand Dollars ($25,000.00) in Little Rock, Ark., Rev. Code § 2-242(a) (1988); and,

WHEREAS, it is appropriate to modify this ordinance to deal with the exclusion of competitive bids for commodities for resale as food, use to feed City animals, or as gifts, at various City facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. Little Rock, Ark., Rev. Code § 2-242 (a) (1988) is hereby amended to read as follows:

(a) (1) 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 Fifty Thousand Dollars ($50,000.00) 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.

(2) This requirement for competitive bids does not apply to commodities that are purchased solely for resale at city facilities; for purposes of this Subsection (2),
commodities means perishable foodstuffs for immediate use, unprocessed feed for livestock, poultry, or animals at the Zoo, or items purchased on the open market without modification for resale at a gift shop, pro shop, or similar facility, operated by the City.

Section 2. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

Section 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

Section 4. Emergency Clause. It is essential to the public health, safety, and welfare that the City be consistent in its policy that deals with the purchase of certain commodities mainly for use by the Parks & Recreation Department, and the Department of the Little Rock Zoo; an emergency is, therefore, declared to exist and this ordinance shall be in full force and effect from and after the date of its passage.

PASSED: April 21, 2015

ATTEST:        APPROVED:

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Susan Langley, City Clerk        Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney