

State of Arkansas  
76th General Assembly  
Third Extraordinary Session  
By Senator Malone

CALL ITEM 35  
SENATE BILL 12

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 14-58-303, 14-47-138 AND 14-48-129 TO PROVIDE THAT FIRST CLASS CITIES ARE NOT REQUIRED TO UTILIZE COMPETITIVE BIDDING PROCEDURES FOR PROFESSIONAL SERVICES CONTRACTS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 14-58-303 is hereby amended to read as follows:

"14-58-303. Purchases and contracts generally.

(a) In a city of the first class, the mayor or his 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 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.

(b) (1) The municipal governing body shall provide, by ordinance, the procedure for making all purchases which do not exceed the sum of five thousand dollars (\$5,000).

(2) (A) (i) Where the amount of expenditure for any purpose or contract exceeds the sum of five thousand dollars (\$5,000), the mayor or his duly authorized representative shall invite competitive bidding thereon by legal advertisement in any local newspaper. Provided, however, competitive bidding is not required for professional services contracts.

(ii) Bids received pursuant to the advertisement shall be opened and read on the date set for receiving the 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 governing body for this purpose.

(iii) The officials designated to receive the bids shall have exclusive power to award the bid to the lowest responsible bidder.

(iv) The mayor and any committee designated to receive bids may reject any and all bids received.

(B) The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical."

SECTION 2. Arkansas Code 14-47-138 is hereby amended to read as follows:

"14-47-138. Competitive Bidding. (a) Before making any purchase of or contract for any supplies, materials, or equipment, and before obligating the city under any contract for the construction of municipal improvements, where the anticipated cost to the city of the transaction exceeds the maximum amount established by the board of directors under the authority of §14-47-120, opportunity for competitive bidding shall be given under such rules and regulations as the board may by ordinance, prescribe, and the contract shall be consummated only on a bid approved by the city manager and by the board.

(b) The board, by ordinance, may waive the requirement of competitive bidding in exceptional situations where this procedure is not feasible, but lacking such exceptional situations, the board may not except any particular contract, purchase, or sale from the requirement of competitive bidding.

(c) All purchase and sale records of the city shall be open to public inspection.

(d) Competitive bidding is not required for professional services contracts."

SECTION 3. Arkansas Code 14-48-129 is hereby amended to read as follows:

"14-48-129. Competitive bidding. (a) Before making any purchase of, or contract for, any supplies, materials, or equipment, and before obligating the city for the construction of municipal improvements where the anticipated cost to the city of the transaction exceeds the maximum amount established by the board of directors under the authority of 14-48-117, opportunity for competitive bidding shall be given under such rules and regulations as the board may by ordinance prescribe, and the contract shall be consummated only on a bid approved by the city administrator and by the board.

(b) The board, by ordinance, may waive the requirement of competitive bidding in exceptional situations where this procedure is not feasible. However, such exceptional situations being lacking, the board may not except any particular contract, purchase, or sale from the requirement of competitive bidding.

(c) All purchase and sale records of the city shall be open to public inspection.

(d) Competitive bidding is not required for professional services contracts."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that first class cities should not be required to comply with competitive bidding procedures for professional services contracts; that this Act will exclude professional services contracts from the competitive bidding requirements for first class cities; and that this Act should go into effect immediately in order to allow first class cities to obtain professional services in the most efficient manner. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

□