

**ORDINANCE NUMBER O-2022-02**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 0-198; AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE PURCHASING, SALE OR EXCHANGE OF PROPERTY IN THE CITY OF WARD AND FOR OTHER PURPOSES**

**WHEREAS, A.C.A. § 14-58-303** states the “In a city of the first class, city of the second class, or incorporated town, the mayor or the mayor's duly authorized representative<sup>1</sup> 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 in the city.”

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARD, ARKANSAS THAT;**

**SECTION 1: PURCHASES AND CONTRACTS UNDER TEN THOUSAND (\$10,000) DOLLARS (A.C.A. § 14-58-303(a):** The Mayor and/or his duly authorized representative are hereby authorized to purchase or enter into a contract in which the total amount does not exceed \$10,000 as noted below.

a. Purchase Orders and Receipts:

- (1) A Purchase Order (PO) is required for all purchases over \$100.00 and must be turned in and approved before the purchase, if possible. If time is an essence, the purchase order must be submitted as soon as possible to the Finance Department.
- (2) Purchases under \$100.00 do not required a PO; however, a receipt (or “pick ticket” or other documentation) **MUST** be turned in to Finance Department.
- (3) The Director of Finance (or designee) must review each PO and receipt regardless of amount.
- (4) Department Heads are hereby authorized to approve any purchase below \$500.00.
- (5) Any purchase above \$500.00 requires the Mayor or City Clerk approval.

**SECTION 2: PURCHASES OR CONTRACTS THAT EXCEED \$10,000 BUT ARE LIKELY TO BE LESS THAN \$35,000.00:**

- a. At least two (2) written bids must be obtained.
- b. If at least two (2) written bids cannot be obtained, the city council will be informed as to the reason and so annotated in the meeting minutes.

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<sup>1</sup> For purposes of this Ordinance, the City Clerk is hereby designated as the duly authorized representative.

- c. The Mayor and/or City Clerk will review all bids with the appropriate Department Head and make a decision based on standard practices.

**SECTION 3: PURCHASES OR CONTRACTS THAT EXCEED \$35,000.00.** The Mayor or City Clerk shall invite competitive bidding on the purpose or contract by legal advertisement in any local newspaper (A.C.A. § 14-58-303(b)(2)(A)).

- a. Bid's shall be opened and read on the date set for receiving the bids in the presence of the Mayor or the mayor's authorized representative<sup>2</sup>.
- b. The Mayor or the mayor's authorized representative has exclusive power to award the bid to the lowest responsible bidder and may reject any and all bids received.
- c. The Governing Body, by Resolution, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical or as provided under § 14-58-104.

**SECTION 4: PURCHASES THAT DO NOT REQUIRE SOLICITING BIDS:** A.C.A. § 14-58-104 outlines specific purchases and contracts that may be purchased without soliciting bids. The following is a partial listing that might pertain to the City of Ward. Refer to the Code for a complete listing.

- a. Scientific equipment and parts
- b. Replacement parts and labor for repairs of machinery and equipment
- c. Any commodities needed in instances in which the unforeseen and unavoidable emergency has arisen in which human life, health, or public property is in jeopardy. A written statement must be attached to the PO describing the emergency necessitating the purchase of the commodity without competitive bidding.
- d. Utility Services.
- e. Sand, gravel, soil, lumber, used pipe or used steel.
- f. Used of secondhand moto vehicles, machinery, or equipment.
- g. Motor fuels, oil, asphalt, asphalt oil and natural gas.
- h. Motor vehicles, equipment, machinery, material, or supplies offered for sale at public auction or through a process requiring sealed bids.
- i. New motor vehicles purchased from a licensed automobile dealership located in Arkansas for an amount not to exceed the fleet price awarded by the Office of State Procurement and in effect at the time the municipality submits the purchase order for the same make and model motor vehicle. The Purchase amount may include additional options up to six hundred dollars (\$600) over the fleet price.
- j. Renewal or extension of existing contracts.

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<sup>2</sup> The City Clerk or the Director of Finance is hereby authorized.

- k. Purchase of insurance for municipal employees.
- l. Goods or services available only from a single source. A written proclamation from the chief executive must be filed with the City Clerk that sets for the basis for the single source procurement.

**SECTION 5: SEVERABILITY:** If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, and that such valid portions shall be and remain in full force and effect.

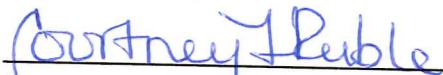
PASSED AND ADOPTED THIS 21<sup>st</sup> DAY OF March, 2021

YEAS: 4 NAYS: 0

APPROVED:

  
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Charles Gastineau, Mayor

ATTEST:

  
\_\_\_\_\_  
Courtney Ruble, City Clerk

CITY SEAL