

ORDINANCE NO. 2022-_____

AN ORDINANCE TO AMEND PROCUREMENT POLICY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2022 Procurement Amendment.

Section Two: This Ordinance is adopted to correct Ordinance 2021-30, adopted on September 20, 2021, which failed to specify the percentage of the local preference.

Section Three: Chapter 3.04 Amended. From and after the effective date of this Ordinance, Chapter 3.04 of the Prairie Grove Municipal Code shall be amended to read as follows:

3.04.01 Exempt Commodity Purchases The purchase of commodities listed in A.C.A. §14-58-104 may be purchased without soliciting bids.

3.04.02 Commodity Purchases of Thirty-five Thousand Dollars (\$35,000.00) Value or Less The Mayor, or their duly authorized representative, shall have exclusive power and responsibility to make purchases of all commodities requisite for public purposes for the City of Prairie Grove 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 where the amount of the commodity expenditure does not exceed the sum of Thirty-five Thousand Dollars (\$35,000.00).

3.04.03 Commodity Purchases in excess of Thirty-five Thousand Dollars (\$35,000.00) Value Where the amount of expenditure for any commodity purchase or contract exceeds the sum of Thirty-five Thousand Dollars (\$35,000.00), the Mayor, or their duly authorized representative, shall utilize competitive bidding in accordance with ACA §14-58-303 and the limits found in ACA §§19-11-229 & 19-11-234.

3.04.04 Adjustment of value limits in 3.04.02 and 3.04.03 In accordance with A.C.A. §14-58-303(b)(3) beginning January 1, 2025 and every five years thereafter, the value limits found in 3.04.02 and 3.04.03 shall be adjusted to take into account changes in the Consumer Price Index. Such calculations of the

change in value will be made by the Arkansas Department of Finance and Administration and provided to the City by ADFa.

3.04.05 Public Works Projects Contracts for the major repair, alteration or erection of buildings or other structures, or for making other permanent improvements are subject to the requirements of A.C.A. Title 22, Chapter 9.

3.04.06 Local Preference

A. In accordance with A.C.A. §14-58-105, the City of Prairie Grove hereby elects to provide a percentage preference in the amount of five percent (5%), not to exceed a dollar cap of \$35,000.00 to any **firm resident in the municipality** as that term is defined in A.C.A. §14-58-105.

B. Where State or Federal law governs purchases and do not allow for the granting of local preferences, this section is not available for use.

3.04.07 Sales, exchange or disposal of materials, supplies or equipment The Sale, exchange and disposal of personal property shall be governed by A.C.A. §14-54-302.

3.04.08 Professional Services Pursuant to the authority granted by A.C.A. §19-11-801(c), the City Council of the City of Prairie Grove hereby lists the following professional services exempt from the requirements of competitive bidding:

- Legal services
- Financial advisory services
- Architectural services
- Engineering services
- Construction management services
- Land surveying services
- Appraisal services
- Land use planning services
- Economic development services
- Pooled risk management (insurance) services through the Arkansas Municipal League

3.04.09 Business disclosure Any entity, other than a publically traded corporation, conducting business with the City of Prairie Grove, prior to entering into any business agreement or transaction with the City, shall provide the following information in writing to the City:

A. The names of the individuals: serving on its board of directors, who are members of an LLC, or partners in a partnership;

B. The names of its principal officers;

C. This requirement shall only apply to purchases and sales of real estate and companies bidding on City projects and procurements.

3.04.10 Electronic Payments

A. Designated municipal employees and officials responsible for disbursements are authorized to disburse electronic fund payments directly into payee accounts in financial institutions when necessary or convenient for payment of any expense allowed against the City.

B. Any such electronic disbursement shall include supporting documentation for the disbursement.

C. The electronic funds payment method used by the City shall provide for internal accounting controls and documentation for audit and accounting purposes.

D. The electronic funds payment method established by the City and authorized by this Ordinance shall not be implemented until and unless it has been approved by the Legislative Joint Auditing Committee.

Section Four: Effective Date. This Ordinance shall become effective from and after 60 days of its posting, unless an Emergency Clause is attached hereto.

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this _____ day of _____ 2017.

Mayor Charles (Sonny) Hudson

(Attest)

Christine Kelly, City Clerk