

ORDINANCE NO. 1149

AN ORDINANCE GOVERNING PROCEDURES FOR ENTERING INTO CONTRACTS AND FOR PURCHASING SUPPLIES, MATERIALS, AND OTHER THINGS FOR PUBLIC PURPOSES IN AND FOR THE CITY OF LOWELL, ARKANSAS AND AMENDING OR REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the City of Lowell, Arkansas, being a city of the first class as defined by Arkansas law; and

WHEREAS, the City Council of the City of Lowell desires to amend the Lowell Code of Ordinances to be in compliance with Arkansas Law, specifically that law which governs competitive bidding, purchases and contracts for cities of the first class.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF LOWELL, ARKANSAS:

Section 1: Ordinance No. 892 and section 2-169 of the Code of Ordinances of the City of Lowell, Arkansas are hereby amended to read as follows:

Sec. 2-169. Purchases made by the city pursuant to state law.

(a) **Purchases and contracts generally.** In accordance with Ark Code Ann. §14-58-303, the Mayor or the Mayor's 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 in the city.

(b) **Purchases and contracts which exceed \$35,000.** In accordance with Ark Code Ann. §14-58-303, where the amount or expenditure for any purpose or contract exceeds the sum of thirty-five thousand dollars (\$35,000), the Mayor or the Mayor's authorized representative shall invite competitive bidding on the purpose or contract by: 1) legal advertisement in any local newspaper or 2) participation in a reverse internet auction.

(c) **Purchases and contracts which do not exceed \$35,000.** In accordance with Ark Code Ann. §14-58-303, where the amount or expenditure for any purpose or contract does not exceed the sum of thirty-five thousand dollars (\$35,000), the Mayor or the Mayor's authorized representative are authorized to make such expenditure or to enter into such contract without competitive bidding or advertisement, using their judgment to obtain the best value for the City of Lowell.

Section 2. Repealer Clause.

All Ordinances, resolutions, or parts thereof in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. Severability: That if any section, paragraph, subdivision, clause, phrase or other provision or portion of this ordinance is adjudged to be invalid, unconstitutional, or unenforceable by any court with jurisdiction to make such determination, then such adjudication shall not affect the validity of this ordinance as a whole or any part or provision other than the part adjudged to be invalid, unconstitutional, or unenforceable, and the remaining parts and provisions of this ordinance shall be construed as if such invalid, unconstitutional, or unenforceable provision or provisions had never been contained herein.

Section 4. Effective Date: That this Ordinance shall become effective after all notice required by law is provided.

PASSED AND APPROVED by the City Council for the City of Lowell, Arkansas
this 19th day of November, 2024.

APPROVED:

CHRIS MOORE, Mayor

ATTEST:

ELIZABETH ESTES, City Clerk