

ORDINANCE NO. 83-24
AN ORDINANCE TO AMEND ARTICLE V, DIVISION 2 SECTION 2-187 AND
2-188 OF THE FORT SMITH MUNICIPAL CODE
REGARDING PREFERENCE AMONG BIDDERS

WHEREAS the City of Fort Smith is currently under a Federal Consent Decree that requires the City to repair or replace a large portion of the City's sanitary sewer system;

WHEREAS the sanitary sewer work will be bid out and performed by construction contractors;

WHEREAS the United States Department of Justice, Environmental Protection Agency, and the State of Arkansas have required a financial plan for funding the Consent Decree and completing the required work;

WHEREAS the City of Fort Smith is interested in having multiple competitive bids from construction contractors from around the country; and

WHEREAS the City of Fort Smith Board of Directors is committed to reducing the overall burden of cost for the citizens of Fort Smith while being committed to complying with the Consent Decree; NOW, THEREFORE:

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1: The following sections of Chapter 2, Article V, of the Fort Smith Municipal Code are amended as follows:

(A) Section 2-188 (a)(1) shall be amended to read: "In the purchase of commodities or services by competitive bidding, a preference of five percent shall be granted to the lowest qualified bid for a bidder that qualifies as a firm resident in the city; provided no firm resident in the city bidder preference shall apply to the purchase of commodities or services for projects to perform work required by the EPA/State of Arkansas Consent Decree."

(B) Section 2-188 (a)(3)a shall be amended to read: “. In calculating the preference to be allowed, the total amount of each bid of each firm resident in the city who claims the preference shall be reduced by five percent from the total amount of each bid; provided no firm resident in the city bidder preference shall apply to the purchase of commodities or services for projects to perform work required by the EPA/State of Arkansas Consent Decree.”

(C) Section 2-188 (c) shall be amended to read: “The provisions of this section shall apply to public works projects, capital improvements, commodities, materials, equipment, and services procured by the city, including those purchases and contracts for services made pursuant to section 2-182(b) and (c); provided no firm resident in the city bidder preference shall apply to the purchase of commodities or services for projects to perform work required by the EPA/State of Arkansas Consent Decree.”

Section 2: Emergency Clause. An emergency is declared to exist to secure efficient completion of Fort Smith’s Consent Decree obligations to the United States and the State of Arkansas and thus provide for the general welfare of the City's inhabitants, so that this ordinance shall take effect and be in full force from and after September 18, 2024.

PASSED AND APPROVED THIS 17th DAY OF Sept., 2024

ATTEST: Shirley Gurd
City Clerk

APPROVED:

[Signature]
Mayor

Approved as to form:
[Signature]
Publish One Time