



# Staff Report

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**Agenda Item:**            **Ordinance Amending Section 3-4-8, Purchasing – Professional Services of the Town Code** – Approval of an Ordinance of the Town of Clarkdale amending Section 3-4-8 Purchasing – Professional Services; of the Town Code adding architects, and similar professions.

**Staff Contact:**            Walt Good, Deputy Town Clerk

**Meeting Date:**            October 13, 2009

**Background:**            The Town Attorney has requested that the following verbiage be added to the Town Code so as to prevent any confusion or question in the future. The recommendation is to add architectural services to the professional services that are exempt from competitive bid requirements that are in the State Statutes. Governing bodies should be free to contract for professional services based on getting the best quality, not the cheapest price, as permitted by Arizona statute for personal services.

**Recommendation:**    Approval of Ordinance # \_\_\_\_\_ of the Town of Clarkdale, Arizona, Amending Section 3-4-8, Purchasing – Professional Services; of the Town Code of the Town of Clarkdale repealing conflicting ordinances and provides for severability.

ORDINANCE # \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA AMENDING SECTION 3-4-8, PURCHASING – PROFESSIONAL SERVICES, OF THE TOWN CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.**

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE THAT SECTION 3-4-8 OF THE TOWN CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1: Section 3-4-8 Professional Services

Unless required by the Council, the provisions ~~for of~~ this Article ~~should~~ **requiring competitive bid procedures shall** not apply to professional services rendered on an open account on an as needed basis. Such services shall include, but not be limited to the following: physicians, attorneys and, engineers, architects, and similar professions ~~in similar professions~~.

Professional services not rendered on an open account, but let for a specific purpose or for a specific service pursuant to a contract for a set price shall be let as set forth in Section 3-4-1, except that procurement of said professional services shall not be based upon price or cost considerations alone. Additional considerations shall include the experience, abilities, reputation and accessibility of the professional.

Section 2: That all Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.

Section 3: Any portion of the Town Code repealed by this Ordinance does not affect rights and duties that matured or penalties that were incurred, and proceedings that were begun before the effective date of the repeal.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5: This ordinance shall take effect and be in force thirty (30) days after passage by the Council and approval by the Mayor.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Clarkdale, Arizona  
this 13<sup>th</sup> day of October, 2009.

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Doug Von Gausig, Mayor

**ATTEST:**

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Kathy Bainbridge, Town Clerk/Finance Director

**APPROVED AS TO FORM:**

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Robert Pecharich, Town Attorney  
Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C., Town Attorneys