

ORDINANCE NO. 1462

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2018 AMENDMENTS TO APACHE JUNCTION CITY CODE, VOL. I, CHAPTER 3: ADMINISTRATION, ARTICLE 3-7: PROCUREMENT PROCEDURE"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on October 9, 2004, the mayor and city council passed Ordinance No. 1219 where Article 3-7 of the Apache Junction City Code, Vol. I, Procurement Procedure, underwent a significant overhaul due to state law changes; and

WHEREAS, the current version of the code was last amended on November 6, 2012 by Ordinance No. 1386 wherein there were modifications to Section 3-7-4(E), Public Works Projects Exemptions, by adding a new subsection (3), Public Art; and

WHEREAS, some provisions relating to procurement have been found to be inconsistent with current state law and common law; and

WHEREAS, on July 17, 2018, the mayor and city council directed staff to draft amendments to the current procurement code; and

WHEREAS, staff recommended changes affect: 1) definitions; 2) procurement levels; 3) exemptions; 4) bid protest and appeal; 5) disposal of personal property; 6) bid disqualification and change order provisions; 7) online bidding; 8) ethical standards; 9) unauthorized purchases; 10) upfront cooperative; 11) piggyback purchasing; and 12) debarments and suspensions; and

WHEREAS, Resolution No. 18-27 declares as public record the document entitled "2018 Amendments to Apache Junction City Code, Vol. I, Chapter 3: Administration, Article 3-7: Procurement Procedure"; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least one paper copy of the code changes or public record are filed in the office of the clerk of the municipality and one electronic copy is accessible on the city's website and made available for public inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, public records which may be adopted by reference include those relating to procurement procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I            IN GENERAL

That certain document known as "2018 Amendments to Apache Junction City Code, Vol. I, Chapter 3: Administration, Article 3-7: Procurement Procedure", one paper copy and one electronic copy which are accessible on the City's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 18-27 of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II            REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III            PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations 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 IV            DECLARING AN EMERGENCY

The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health or safety, and that an emergency shall be in full force and effect from and after its passage, adoption and approval by the mayor and city council of the City of Apache Junction.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

---

JEFF SERDY  
Mayor

ATTEST:

---

KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

---

RICHARD J. STERN  
City Attorney