

ORDINANCE NO. 2018-12-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING ORDINANCE NO. 2018-08-803 TO WAIVE COMPETITIVE BIDDING AS IT RELATES TO RESURFACING AND IMPROVEMENT WORK TO A PORTION OF SOUTH KLENC ROAD WITHIN THE CITY OF TONTITOWN AND DECLARING AN EMERGENCY

WHEREAS, on or about August 6, 2018, the City Council of Tontitown adopted Ordinance No. 2018-08-803 to waive competitive bidding for the resurfacing and improvement work to a portion of South Klenc Road within the City of Tontitown; and

WHEREAS, Washington County Road Department was to perform this resurfacing and improvement work to South Klenc Road and receive payment from the City of Tontitown; and

WHEREAS, during the course of the resurfacing and improvement project, it has come to the attention of the City of Tontitown that the Washington County Road Department bid the project out to APAC-Central, Inc to perform the asphalt resurfacing and improvement project to South Klenc Road; and

WHEREAS, the City Council of the City of Tontitown has determined that payment for the asphalt resurfacing and improvement project shall be paid to APAC-Central, Inc. for the costs of the work performed rather than Washington County Road Department.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. That pursuant to state law and applicable city ordinances, the City Council hereby waives the requirements of competitive bidding for the street improvements described in this ordinance and in the attached purchase form.

Section 2. The Mayor of Tontitown is hereby authorized, on behalf of the City, to take all measures necessary to give effect to authorization by the City Council set forth in this Ordinance.

Section 3. That all ordinances or resolutions or orders, and parts thereof, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That in the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5. Declaration of Emergency. That the City Council finds that the need for improvements and the repair to the city's streets and infrastructure is acute and the arrangement for the shared cost for the improvements is a rare and most advantageous opportunity and therefore an emergency is declared to exist, and in order to best protect the health, safety and welfare of the citizens of Tontitown, this ordinance should take effect immediately upon its passage.

PASSED and **APPROVED** this _____ day of December, 2018.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder
(SEAL)