

ORDINANCE NO. 2019-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND APPROVE COST SHARE WITH BADER HOMES, LLC., AS IT RELATES TO EXTENDING A WATERLINE ALONG S. MANTEGANI AND MORSANI AVENUE IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, Bader Homes, LLC submitted construction plans to the City of Tontitown, Arkansas and received approval to construct a PUD on Morsani Avenue.; and

WHEREAS, the current water line along these two streets is not adequate to supply fire protection for this development and is in need of upgrading to improve the city's infrastructure; and

WHEREAS, Bader Homes, LLC., has provided a commitment to the City of Tontitown to perform the work of the waterline extension and engineering services at the estimated costs of \$72,095.10; and

WHEREAS, after the City staff and City Council have studied the alternatives available for the waterline extension and considering the offer of Bader Homes, LLC., to share in one-half of the costs of the improvements, the City Council has found that exceptional circumstances exist, that the offer for the performance of the work and the shared costs is advantageous to the City of Tontitown, that Bader Homes, LLC performs reputable work and that competitive bidding for the waterline extension would not be feasible considering the special circumstances presented; and

WHEREAS, the City Council agrees that it is in the best interest of the City of Tontitown and its citizens to provide funding in the amount of \$36,047.55 for a waterline extension as it will allow increased capacity of the City of Tontitown water system.

WHEREAS, the Tontitown City Council finds that having Bader Homes, LLC., perform the waterline extension and engineering services and participate in the cost of said work, would provide substantial savings for Tontitown.

WHEREAS, it is in the interest of the citizens of Tontitown to best use the resources of the City and provide a way to reliably and efficiently repair and maintain the City's infrastructure and to best promote the health, safety and welfare of the citizens of Tontitown, by waiving competitive bidding and approve the cost share of one-half of the costs with Bader Homes, LLC., as herein described.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Tontitown, Arkansas;

Section 1. That pursuant to state law and applicable city ordinances, the City Council hereby waives the requirements of competitive bidding for the improvement of the water system along S. Mantegani and Morsani Avenue described in this Ordinance.

Section 2. The Mayor is hereby authorized, on behalf of the City of Tontitown, to take all measure 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. Emergency Clause: The City Council for the City of Tontitown, Arkansas, has determined that it is essential that the improvement of the of the water system along S. Mantegani and Morsani Avenue take place without delay, in order to increase capacity of the water system and to best serve the citizens of Tontitown Therefore, it is declared that an emergency exists and that this ordinance, being necessary for immediate service, shall be in force and take effect immediately from and after its passage, approval, and publication.

PASSED and APPROVED this ____ day of _____, 2019.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder-Treasurer
(SEAL)