

ORDINANCE NO. 2021-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR TO ENTER INTO A COST SHARE AGREEMENT WITH SOLOMON PROPERTIES, LLC FOR A WATERLINE CONNECTION FOR HICKORY MEADOWS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Solomon Properties, LLC has submitted construction plans to the City of Tontitown, Arkansas to connect the Hickory Meadows to an 8” city waterline on Kelley Road; and

WHEREAS, the City of Tontitown would benefit from an extension of this waterline from 1350’ to 2750’ to connect instead at Klenc Road, with the new waterline providing more length, access and looping as well as benefiting better future development; and

WHEREAS, the City of Tontitown received and reviewed a proposal from Solomon Properties, LLC, for this additional work in the amount of \$120,250.00; and

WHEREAS, after the City staff and City Council have studied the alternatives available for the installation and considering the offer of Solomon Properties, LLC, the City Council has found that exceptional circumstances exist, that the offer provided by Solomon Properties is advantageous to the City of Tontitown and that competitive bidding should be waived in order for the work to be completed; 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 \$120,250.00 for the new waterline for Hickory Meadows and to authorize the Mayor to take any and all measures to enter into a cost share agreement with Solomon Properties, LLC to complete the work; and

WHEREAS, it is in the interest of the citizens of Tontitown to best use the resources of the City and provide reliable equipment for the safety and welfare of the citizens of Tontitown, by waiving competitive bidding.

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 labor and installation of waterline as described in the proposal attached hereto as Exhibit “A” in the amount of \$120,250.00.

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, including the negotiation and execution of cost share agreement if necessary.

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 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 _____, 2021.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)