

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 WHITAKER PROPERTIES AND LS6 CONSTRUCTION FOR THE INSTALLATION OF SEWER LINE EXTENSION PROJECT AND RELATED WORK; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, Whitaker Properties is the owner of certain property and is developing a commercial project in the City of Tontitown requiring the extension of a city sewer line to the property in order to provide sanitary sewer service; and

WHEREAS, the City of Tontitown will benefit from the extension of the sewer line for the project as it would allow sanitary sewer service to be extended to other properties and for continued growth to occur in the city; and

WHEREAS, the City of Tontitown received and reviewed a proposal from LS6 Construction, who is be performing the work for Whitaker Properties, and is offering to provide the labor, installation and materials for the work for the estimated total cost of \$77,875.00 with certain alternatives; and

WHEREAS, after the City staff and City Council have studied the options available for the installation and considering the proposal of LS6 Construction, the City Council has found that exceptional circumstances exist, that the offer provided by LS6 Construction is advantageous to the City of Tontitown, that there will be savings to the citizens of the City of Tontitown if the city shares in the cost of the work so that sewer service can be further extended in the city, and that LS6 Construction performs reputable work and that competitive bidding should therefore be waived; 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 approximately sixty percent (60%) of the proposed \$77,875.00 and outlined below for in the labor and installation of the work; and

WHEREAS, it is in the interest of the health, safety and welfare of the citizens of Tontitown and the best use the resources of the City for the health, 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 the sewer line extension as described in the proposal attached hereto as Exhibit "A".

Section 2. The Mayor is hereby authorized, on behalf of the City of Tontitown, to take all measure necessary to give effect to the authorization by the City Council set forth in this Ordinance and also that the Mayor is authorized to negotiate and enter into a contract with Whitaker Properties and LS6 Construction where by the city would be responsible for sixty percent (60%) of the project cost and Whitaker Property would be responsible for forty percent (40%) of the project cost. Further, if under the Additional items in the attached proposal, rock excavation or bonding is required, the city and Whitaker Properties shall share those costs at the same sixty percent (60%) and forty percent (40%) rates reflected above.

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 this work commence without delay in order to take advantage of mobilization or equipment, labor and materials, and in order to expand the city sewer 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)