

ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING IN ORDER TO PURCHASE MATERIALS REQUIRED TO PERFORM REPAIRS IN AND ALONG BRUSHY CREEK IN THE CITY OF TONTITOWN, WASHINGTON COUNTY ARKANSAS; CALLING FOR AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City of Tontitown has experienced significant flooding events over the past few years; and

WHEREAS, as a result of these flooding events, and in order to avoid future flooding which will impact city residents and city infrastructure, it has become necessary for the City to remove debris and perform restorative work to certain drainage and waterways in order to properly allow flood waters to be safely managed; and

WHEREAS, the City Council has been kept aware of the work and understands that at this time materials must be purchased to continue with and complete the creek and drainage project; and

WHEREAS, the City of Tontitown has received a quote for materials, including the culverts necessary to continue with the project, a copy of which shall be attached to this ordinance; and

WHEREAS, the City Council has been advised that the quoted prices represent the best way to obtain the needed materials at the best price, especially considering the current pattern of materials prices; and

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 protect the City's infrastructure and residents and to best promote the health, safety and welfare of the citizens of Tontitown, by waiving competitive bidding as herein described.

NOW THEREFORE, BE IT ENACTED, 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 purchase of the quoted materials required to continue with the restorative work to Brushy Creek as described above in this ordinance.

Section 2. The Mayor of the City of Tontitown is hereby authorized to negotiate and execute, upon receiving the advice and approval of the City Attorney and the engineers advising the City, to purchase the quoted box culverts and related material to be paid from general funds.

Section 3. It is estimated that the total work, including labor, equipment rental and materials will not exceed \$48,000.00.

Section 4. 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 5. 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 6. EMERGENCY CLAUSE. The Tontitown City Council finds that the need for the purchased of materials to continue the restorative work to Brushy Creek is acute and needs to be performed in an expeditious manner in order to avoid future flooding issues. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED and APPROVED this ____ day of _____, 2022.

APPROVED:

Gene McCartney, Acting Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer