

Prepared by:  
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312 W. Main St.  
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## **ORDINANCE NO. 2020-11**

### **AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR WATER TANK MAINTENANCE SERVICES; AUTHORIZING THE MAYOR TO EXECUTE A WATER TANK MAINTENANCE CONTRACT WITH UTILITY SERVICE CO., INC.; AND, FOR OTHER PURPOSES**

**WHEREAS**, the City Council has determined that there is an immediate need for the City of Pottsville to enter into a water tank maintenance contract with Utility Service Co., Inc.; and,

**WHEREAS**, the City Council has determined that it is in the best interest of the City to waive competitive bidding for water tank maintenance services.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTTSVILLE, ARKANSAS:**

**SECTION 1:** The City Council of Pottsville, Arkansas hereby finds that an immediate need exists to obtain water tank maintenance services and to waive the state law bid requirement for goods, services, or equipment in excess of \$20,000.00 and state law bid requirements for contracts for public improvements in excess of \$35,000.00.

**SECTION 2:** The normal procedure followed for goods, services, or equipment costing in excess of \$20,000.00 and contracts for public improvements in excess of \$35,000.00 is to invite competitive bidding in accordance with A.C.A. § 14-58-303 and A.C.A. § 22-9-203, respectively. However, the City Council has determined that compliance with A.C.A. § 14-58-303 and A.C.A. § 22-9-203 it is not practical or feasible in this situation because there are not any companies of which the City has knowledge within the State that provide this service; and, Utility Service Co., Inc. has conducted prior inspections of the City's water tank and is familiar with the City's maintenance needs. Further, inviting competitive bidding would cause unnecessarily delay in maintaining the City's water tank in accordance with governing guidelines.

**SECTION 3:** The immediate need to enter into a water tank maintenance services contract is substantial in order protect the health, safety, and welfare of the public by ensuring the City's water tank is maintained properly in accordance with all governing guidelines. The City Council has determined that an emergency exists and that it is not practical or feasible to delay in order to invite competitive bidding. Therefore, the City Council waives the requirement of competitive bidding to enter

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into a water tank maintenance contract. This waiver is in accordance with A.C.A. § 14-58-303(b)(2)(B) and A.C.A. § 22-9-203.

**SECTION 4:** The Mayor is hereby authorized to execute a Water Tank Maintenance Contract with Utility Services Co., Inc. on behalf of the City of Pottsville, Arkansas.

**SECTION 5: Emergency Clause.** The City Council of the City of Pottsville, Arkansas has determined that this Ordinance is necessary to protect the health, safety, and welfare of the citizens of Pottsville, Arkansas; and, therefore, an emergency is declared to exist and this Ordinance shall be in full force and effect upon its passage.

PASSED and APPROVED on this 26<sup>th</sup> day of October 26, 2020



RANDY TANKERSLEY, MAYOR

ATTEST:

I, Holly Fowler, City Clerk-Treasurer of Pottsville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2020-11 passed by the Pottsville City Council on the 26<sup>th</sup> day of October 2020.

  
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HOLLY FOWLER