

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO DIAMOND CONSTRUCTION COMPANY FOR THE EMERGENCY REPAIR OF A STORMWATER PIPE AT BIRKSTONE DRIVE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, Ark. Code Ann. § 14-58-303 requires City purchases exceeding the amount of \$20,000 to follow statutory procedures of local advertisement and opening of sealed bids which may only be waived in exceptional situations where bidding is deemed not feasible or practical; and

WHEREAS, on or about May 17, 2020, a section of Birkstone Drive collapsed, causing severe damage to a stormwater pipe; and

WHEREAS, the stormwater pipe was in immediate need of repair, as the street could not be properly irrigated without a working drain (see photographs attached hereto as Exhibit A); and

WHEREAS, the North Little Rock Engineering Department contacted Diamond Construction Company, which the City of North Little Rock (the "City") has contracted with previously for construction and repair needs, to fix the stormwater pipe; and

WHEREAS, Diamond Company Construction has successfully completed the emergency stormwater pipe repair, and has requested payment of \$111,583.25. (see Diamond Construction Company invoice attached hereto as Exhibit B); and

WHEREAS, the cost of the repairs has exceeded the statutory limit of \$20,000.00, and the North Little Rock City Council must waive the bidding requirements in order to pay Diamond Construction Company.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That formal bidding is hereby waived in connection with the purchase of stormwater repair at Birkstone Drive, and payment to Diamond Company Construction is hereby authorized in the amount of \$111,583.25.

SECTION 2: That the cost of services in the sum of One Hundred Eleven Thousand Five Hundred Eighty Three and 25/100 Cents (\$111,583.25) shall be paid from the Street Fund.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: That it is hereby found and determined that it is in the best interest of the City of North Little Rock to waive formal bidding and to pay Diamond Construction Company for purchase of stormwater repair at Birkstone Drive, and is necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

\_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Mayor Joe A. Smith

SPONSOR:

Joe A. Smith  
Mayor Joe A. Smith *by AT*

ATTEST:

\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	11:05 A.M.	_____ P.M.
By	<u>A. Fields</u>	
DATE	<u>7-7-20</u>	
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>		
RECEIVED BY	<u>S. Ussery</u>	

EXHIBIT

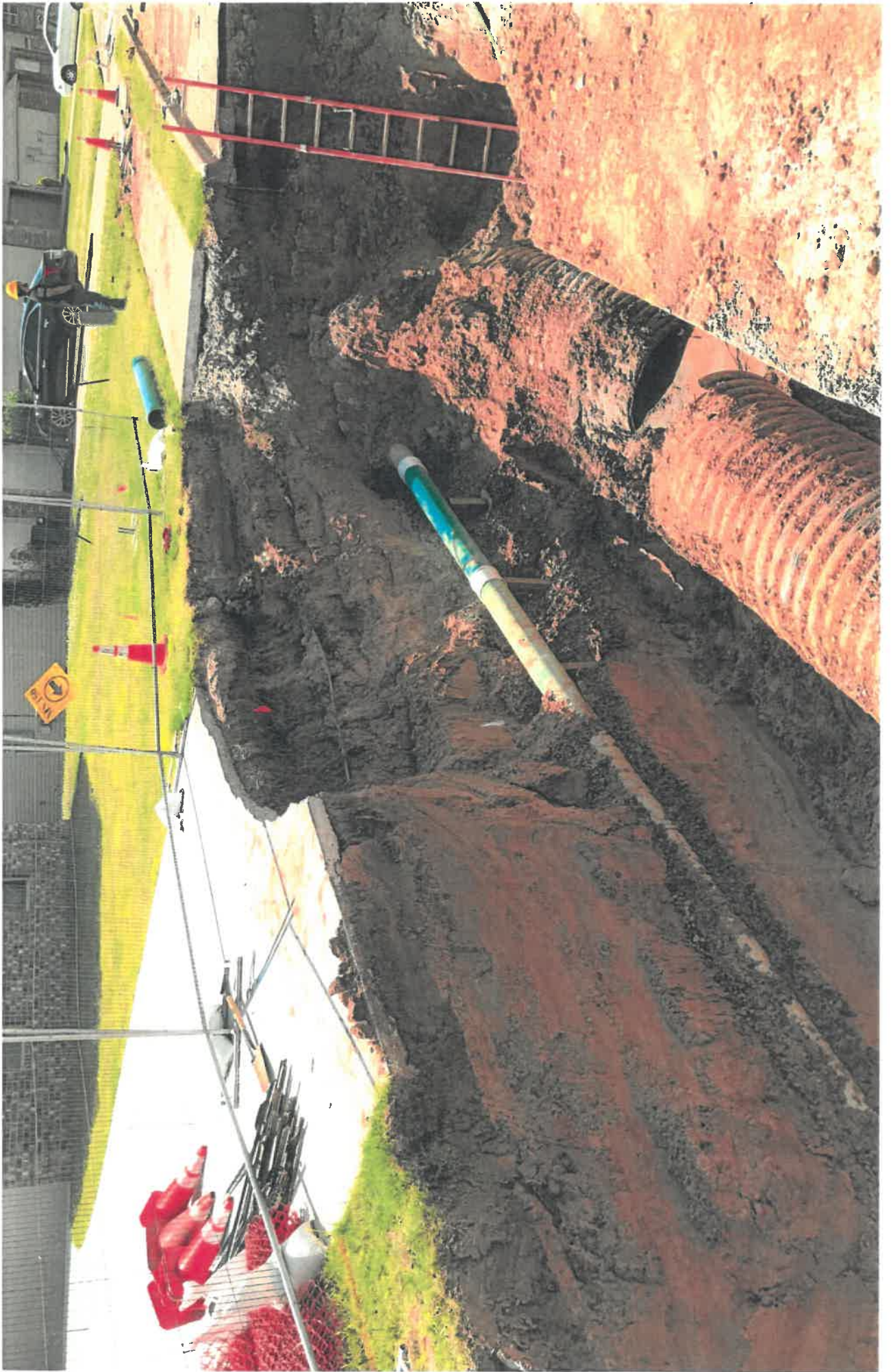
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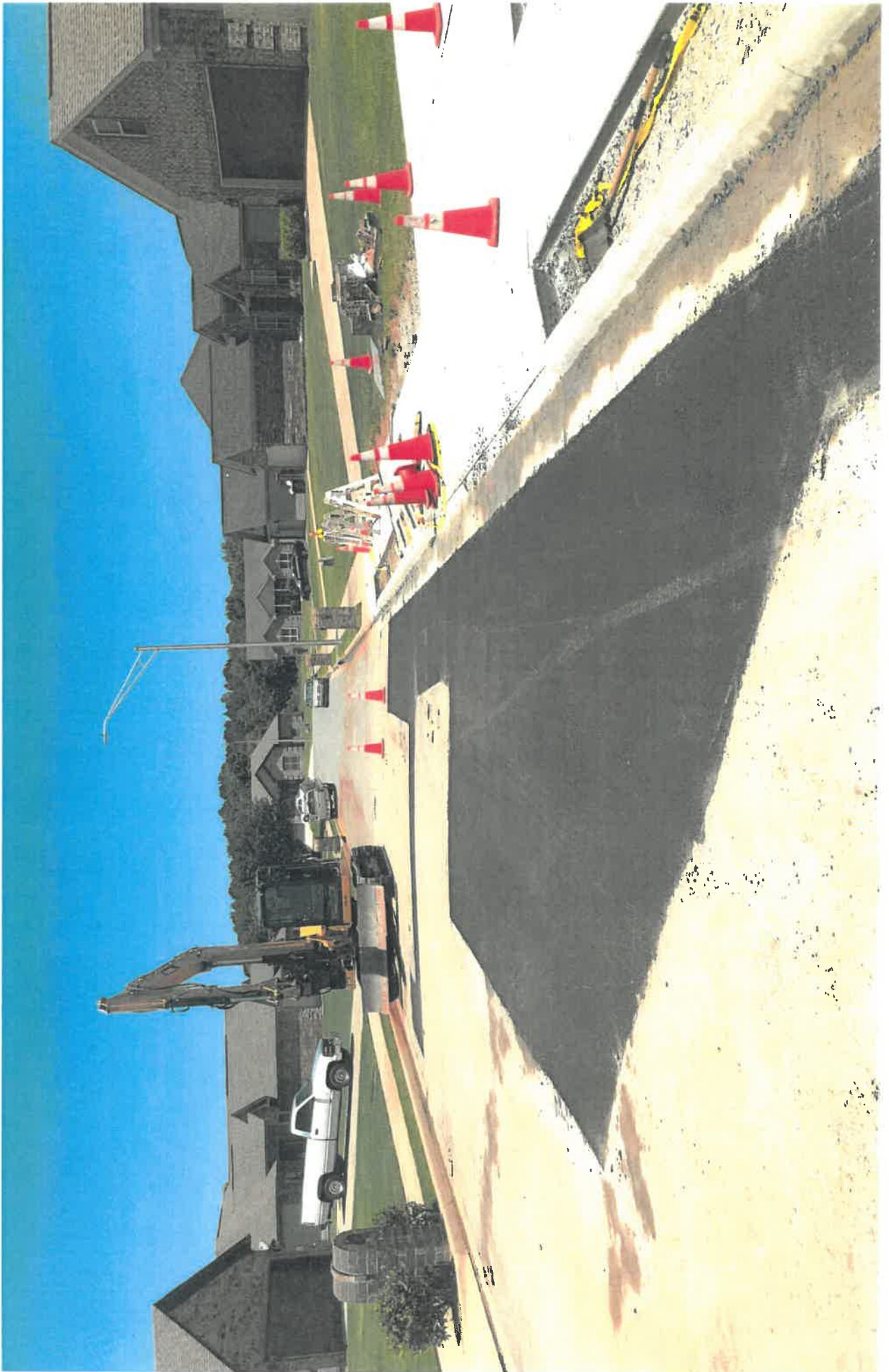
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05/17/2020









**DIAMOND CONSTRUCTION COMPANY, INC.**


**PROJECT: STONE LINKS EMERGENCY REPAIR - STORM DRAINAGE**

**CITY OF NORTH LITTLE ROCK  
ENGINEERING DEPARTMENT  
500 WEST 13TH ST  
NORTH LITTLE ROCK, AR 72114  
ATTN: CHRIS WILBOURN**

**SUMMARY**

SCHEDULE 1 – WAGES	\$14,806.87	
INSURANCE & TAXES (30%)	\$4,442.06	\$19,248.93
SCHEDULE II – VENDOR / MATERIALS		\$46,296.02
SCHEDULE III – FREIGHT ON EQUIPMENT		\$2,750.00
SUBTOTAL:		\$68,294.95
PROFIT (13%) & OVERHEAD (17%)		\$20,488.49
Includes G/L and Compl. Contracts Insurance		
Includes Umbrella G/L Insurance		
SCHEDULE IV – INSIDE EQUIPMENT RENT	\$22,799.81	\$22,799.81
Includes Equipment Insurance and Tax (16%)		
TOTAL		\$111,583.25
PREVIOUS PAYMENTS		\$0.00
<b>TOTAL AMOUNT FOR EXTRA WORK:</b>		<b>\$111,583.25</b>

**CERTIFIED AS CORRECT:  
DIAMOND CONSTRUCTION COMPANY**

BY:   
DATE: 6/24/20