

ORDINANCE NO. _____

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS TO REPAIR CERTAIN ELECTRIC FACILITIES SERVING WM RENEWABLE ENERGY, LLC OF ARKANSAS; AUTHORIZING THE EXECUTION OF A BILL OF SALE; 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 government advertisement and opening of sealed bids which *may only be waived in exceptional situations where bidding is deemed not feasible or practical*; and

WHEREAS, through Resolution No. 6865 and subsequent actions, the City of North Little Rock (“City”) purchases all energy generated by WM Renewable Energy, LLC (“WMRE”) at the Two Pine Recycling and Disposal Facility (“Two Pine”) located in Jacksonville, Arkansas; and

WHEREAS, certain North Little Rock Electric Department (“NLRED”) facilities serving Two Pine require repair and are located in areas that are difficult to access; and

WHEREAS, NLRED solicited indicative pricing from contractors to perform the necessary work, the lowest of which was over \$69,000; and

WHEREAS, NLRED is confident that the repairs can be performed internally for less than \$45,000; however, each type and quantity of the materials to be used and equipment to be rented is uncertain such that bidding would be unnecessarily time-consuming; and

WHEREAS, it is in the best interests of the City and its residents to waive the formal bidding process in order to quickly repair the electric facilities serving Two Pine for a price that is equal to or less than \$45,000.00.

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, and the NLRED General Manager is hereby authorized to purchase materials and rent equipment necessary to repair the electric facilities serving Two Pine at a cost not to exceed \$45,000.00. This waiver shall not alleviate the continuing obligation of every City employee to seek the most favorable price for all City purchases.

SECTION 2: That the expenditures contemplated by this Ordinance shall be paid from funds previously appropriated in the 2016 Budget of the North Little Rock Electric Department.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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: It is hereby found and determined that NLRED must immediately repair equipment serving the Two Pine Recycling and Disposal Facility in order to continuously receive electricity generated in accordance with contracts and agreements between the City and WMRE; that the adoption of this Ordinance is immediately necessary to insure the proper and orderly growth of the City of North Little Rock, Arkansas 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:

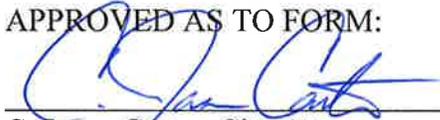


Mayor Joe A. Smith

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:



C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED <u>11:50</u> A.M. _____ P.M.
By <u>City Attorney Carter</u>
DATE <u>11/8/16</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>T. McGraw</u>