

ORDINANCE NO. 2012-08

AN ORDINANCE TO WAIVE THE REQUIREMENT OF COMPETITIVE BIDDING FOR THE CONSTRUCTION AND INSTALLATION OF A SPLASH PAD AT BISHOP PARK, IN THE CITY OF BRYANT, ARKANSAS

WHEREAS, the City wishes to maximize allocated funds available for the construction and installation of the Splash Pad at Bishop Park and to maximize safety and quality for the Splash Pad at Bishop Park in the City of Bryant, Saline County, Arkansas.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS THAT:

Section 1. Authorization

The Mayor and/or her designee is hereby authorized to negotiate and solicit proposals from Splash Pad providers that maximize the allocated available funds, quality, and timeliness for the construction and installation of a Splash Pad at Bishop Park. The City Council reserves the right to make final approval and selection of the Splash Pad provider chosen to construct and install the Splash Pad at Bishop Park.

Section 2. Purpose

The Purpose of this Ordinance is to maximize allocated funds available for the construction and installation of the Splash Pad at Bishop Park and to maximize quality for the installation of the Splash Pad at Bishop Park in the City of Bryant, Saline County, Arkansas.

Section 3. Waiver of Competitive Bidding

- a. Bishop Park is owned and operated by the City of Bryant. Bryant wishes to waive competitive bidding on the construction and installation of a Splash Pad at Bishop Park.
- b. The City Council will be provided several proposals and from those proposals the Parks Department Director will make a recommendation for the City Council to decide whom the Mayor may contract with to provide the maximum benefit for the allocated funds, quality and timeliest Splash Pad for the City of Bryant's Citizens.

Section 4. Feasibility and Practicality Considerations

- a. A need for maximizing allocated funds for the construction and installation of the Splash Pad exists.
- b. A need to effectuate expedited use and benefit of the Splash Pad for the Citizens of Bryant exists.
- c. The City finds that the need for maximizing allocated funds for the construction and installation of the Splash Pad at Bishop Park coupled with expedited installation and a

desire for higher standards of quality necessitate the waiver of competitive bidding as competitive bidding in this circumstance is not feasible or practical.

Section 5. Bidding Procedures Waived

- a. That the City Council for the City of Bryant Arkansas hereby finds that such circumstances described above constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding.
- b. That the City Council authorizes the Mayor and/or her designee to negotiate with providers of Splash Pads to solicit the best possible facilities, space, and equipment for the construction and installation of a Splash Pad at Bishop Park that maximizes the available allocated funds, quality and timeliness of installation and use.
- c. That the City Council reserves the right to select and approve the final contract for construction and installation of the Splash Pad at Bishop Park.

Section 6. General Repealer

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

Section 7. Emergency Clause

To prevent an interruption in the valuable services which the Club has provided and continues to provide, the City Council hereby declares an emergency and this Ordinance shall be in full force and effect immediately upon its passage and approval.

Section 8. Severability

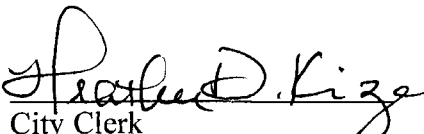
Should any title, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the Ordinance.

PASSED AND APPROVED by the Bryant City Council this 29th day of March, 2012.



Mayor

ATTEST:



City Clerk