

ORDINANCE NO. 2022 - _____

**AN ORDINANCE TO WAIVE THE COMPETITIVE BIDDING PROCESS FOR
REPAIR/INSTALLATION OF A REPLACEMENT STORM DRAIN
SYSTEM WITHIN THE CAMBRIDGE SUBDIVISION**

WHEREAS, there exists drainage issues within the Cambridge Place Subdivision (“Cambridge”) such that several homes (3-5) periodically flood and that these homes become inhabitable; and

WHEREAS, there is currently a development (“Autumn Hills”) that is under construction “upstream” of Cambridge that will have a stormwater outfall that will enter Cambridge near the areas of worst flooding; and

WHEREAS, the Developer of Autumn Hills has worked with the City of Bryant (“City”) to alleviate stormwater runoff volumetric rates to even below the Pre-Development conditions such that they are constructing a stormwater collection and detention system that exceeds the City’s stormwater requirements at no cost to the City; and

WHEREAS, the construction of the stormwater outfall from Autumn Hills will require the connection and improvement of the drainage system within Cambridge; and

WHEREAS, the City desires to enter into a Cost Sharing agreement with the Developer of Autumn Hills to include improvements to the existing drainage system within Cambridge,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS:

Section 1. Pursuant to Arkansas Code Annotated Section 14-58-303, the City of Bryant City Council makes the finding that exceptional circumstances exist and the bidding process is hereby deemed not feasible or practical.

Section 2. The City Council waives competitive bidding relating to the installation and repair of a portion of the Cambridge stormwater system. The City of Bryant City Council has determined that it is necessary to waive competitive bidding.

Section 3. The Mayor is authorized to execute all contracts necessary to complete the portion of the Cambridge drainage improvement project as presented in Exhibit 1. The Cost Sharing portion of the project is an estimated cost of the project, including taxes and insurance is \$77,437.00, as presented in Exhibit 2.

Section 4. The Mayor is authorized to execute all contracts to secure the improvements up to the amount contained in this ordinance. The contract is D&D Homes, LLC, P.O Box 1065 Bryant, AR 72089. In addition, the Mayor and the City Attorney are authorized to finalize all negotiations relating to execute the contract.

Section 5. If, for any reason, any portion of this ordinance is held to be invalid, such invalidity shall in no way affect the remaining portions thereof, which are valid, but such valid portions shall be and remain in full force and effect.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Emergency Clause. This is an exceptional situation and expiration date of the quote is quickly approaching. It is in the best interest of the personnel of the City of Bryant and Citizens of the City of Bryant, Saline County, Arkansas, that an Emergency is Declared; and this Ordinance shall be effective from and after its date of passage.

PASSED AND APPROVED this _____ **day of December, 2022**

Allen E. Scott, Mayor

ATTEST:

Approved as to Form:

Mark Smith, City Clerk

Ashley Clancy, City Attorney