

ORDINANCE NO. 74-14

AN ORDINANCE AUTHORIZING PURCHASE OF COMPASS PARK FOUNTAIN EQUIPMENT FROM FOUNTAIN PEOPLE, INC., AUTHORIZING INSTALLATION SERVICES CONTRACT WITH CREATIVE DESIGN POOLS, LLC AND DECLARING EXCEPTIONAL SITUATIONS AND WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: Following verification of receipt of donor funds, the City Administrator and his authorized agents are hereby authorized to purchase the fountain equipment for the Compass Park Splash Pad from Fountain People, Inc., based on and pursuant to the attached purchase quotation documents identifying the equipment to be purchased at a total purchase price of \$119,852.49.

SECTION 2: Following verification of receipt of donor funds, the Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached Equipment Installation Agreement with Creative Design Pools, LLC providing for installation services with reference to the fountain equipment to be purchased pursuant to Section 1 above, which contract provides for payment for installation services in the amount of \$214,612.51.

SECTION 3: Based on the involvement of private donors and the City/donor mutual selection of the unique Water Odyssey fountain equipment for the Compass Park Splash Pad, because of the mutual membership of the City and Fountain People, Inc. in the National Joint Purchasing Alliance, and pursuant to the purchasing procedures authorized by A.C.A. § 19-11-

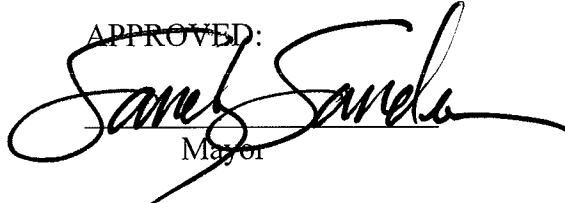
249 and Ordinance No. 93-05, the purchase action authorized by Section 1 is confirmed. It is hereby determined that an exceptional situation exists which makes any further requirement of competitive bidding to be not feasible so that further competitive bidding requirements, if any, are hereby waived. Likewise, based on the above described circumstances and the fact that Creative Design Pools, LLC is the exclusive certified installer for the Odyssey Fountain equipment being purchased, and based on the mutual membership of the City and Creative Design Pools, LLC in The Interlocal Purchasing System (TIPS/TAPS), the contracting action authorized by Section 2 is confirmed. It is hereby determined that an exceptional situation exists which makes any further requirement of competitive bidding to be not feasible so that further competitive bidding requirements, if any, are hereby waived.

SECTION 4: Emergency Clause. Due to the end of this year expiration of now available pricing and the public interests of proceeding with contracting for the Compass Park improvements, an emergency is hereby declared and it is determined that this Ordinance shall be in full force and effect from and after its adoption.

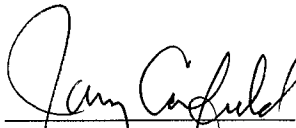
PASSED AND APPROVED THIS 16th DAY OF December, 2014.

ATTEST:

City Clerk

APPROVED:

Mayor

Approved as to form:


City Attorney, NPR