

**ORDINANCE NO. 2247**

**AN ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR  
CONSTRUCTION OF NEW PLAYGROUND EQUIPMENT IN THE LAKE  
LEATHERWOOD CITY PARK**

**WHEREAS**, the City of Eureka Springs, Arkansas ("the City") is currently in need of a new playground in the Lake Leatherwood City Park; and

**WHEREAS**, the City of Eureka Springs has been awarded a grant from the Department of Parks and Tourism to assist with construction of the playground; and

**WHEREAS**, State purchasing guidelines provide for use of cooperative contracts, negotiated with vendors approved by the Arkansas State Department of Finance and Administration, as a preferred method of vendor selection for this project; and

**WHEREAS**, the Parks and Recreation Director and Parks Commission have researched the cost and availability of various manufacturers and suppliers for playground equipment; and

**WHEREAS**, Kyle Recreation, approved State vendor for Little Tikes commercial Playground Equipment, has materials and capabilities that meet and exceed expectations and costs; and

**WHEREAS**, this method will allow for more planning input and a more customized result than a standard bid process

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF EUREKA SPRINGS, ARKANSAS**

**Section 1.** The requirements for competitive bidding for the new playground at a cost of approximately \$155,000, which includes the cost of the site prep, surface installation, equipment installation and other components, shall hereby be waived.

**Section 2.** The Parks and Recreation Commission for the City of Eureka Springs, Arkansas, shall fund this project with 50% Leatherwood Capital Improvement Funds and 50% Arkansas Department of Parks and Tourism matching grant money.

**Section 3.** All Ordinances and Resolutions and parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

**EMERGENCY CLAUSE**

**Section 4.** As the need to install the playground is immediate due to a construction deadline of December 31<sup>st</sup>, 2016 with a preferred completion date of November 1, 2016 to guarantee grant

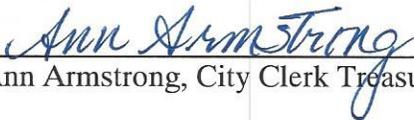
funding and otherwise, for the health, welfare and safety of the citizens of Eureka Springs, an emergency is hereby declared to exist, and this Ordinance shall take full force and effect from and after its passage and approval.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 12<sup>th</sup> DAY OF SEPTEMBER, 2016.**

**APPROVE:**

  
\_\_\_\_\_  
Robert "Butch" Berry, Mayor  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ann Armstrong, City Clerk Treasurer

All present voted "Aye" – David Mitchell, Mickey Schneider, Bob Thomas, Kristi Kendrick, Terry McClung and James DeVito