ORDINANCE NO. __________

AN ORDINANCE TO DISPENSE WITH THE REQUIREMENT OF COMPETITIVE BIDDING AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A SOLE-SOURCE CONTACT WITH UNITE PRIVATE NETWORKS FOR THE PURCHASE OF EQUIPMENT AND SERVICES FOR THE CITY TO CONNECT TO A FIBER-BASED TELECOMMUNICATIONS NETWORK OWNED BY UNITE PRIVATE NETWORKS AND MADE AVAILABLE TO THE CITY THROUGH A FRANCHISE AGREEMENT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City needs fiber-based telecommunications assets in order to meet important public telecommunications goals and improve the availability of services and information for the citizens of Little Rock, and

WHEREAS, These fiber laterals connect the Southwest Community Center, Southwest Police Patrol Division, West Central Community Center and the Pankey Police Substation to the City’s network, and

WHEREAS, Unite Private Networks (“UPN”) has a franchise agreement with the City of Little Rock that provides for dark fiber that the City can use to create the required connections for these locations, and

WHEREAS, Only UPN is authorized to install a lateral connection to UPN’s core fiber network, and

WHEREAS, competitive bidding should be waived and the contract awarded to UPN, as the sole-source provider of this equipment and services, because only UPN is authorized to install a lateral connection to UPN’s core fiber network.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. The Board of Directors finds that competitive bidding should be dispensed with regarding the purchase of equipment and services for the City to connect to a fiber-based telecommunications network owned by UPN, and the contract for such equipment and services should be awarded to UPN as the sole-source provider for this equipment and services because only UPN is authorized to install a lateral connection to UPN’s core fiber network.
Section 2. The City Manager is hereby authorized to dispense with competitive bidding and to enter
into a sole-source contract with UPN for the purchase of equipment and services for the City to connect
to a fiber-based telecommunications network owned by UPN in an amount not to exceed Eighty-Seven
Thousand, Nine Hundred Forty-Five Dollars ($87,945.00), plus taxes and fees, for the lateral installation
of this service. There will be an annual maintenance fee of Nine Hundred Dollars ($900.00), with a 3%
cost of living increase annually for the life of the City’s franchise agreement with UPN, in an amount not
to exceed Ten Thousand, Three Hundred Seventeen and 49/100 Dollars ($10,317.49), plus any
applicable taxes and fees, for the ten (10)-year term.

Section 3. Funding for the purchase of equipment and services is available from the Information
Technology Department’s portion of the 3/8-Cent Capital Sales Tax. Funding for the annual maintenance
fee is available from the Information Technology Department’s Annual Operating Budget 103030-61340.

Section 4. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or
word of this ordinance is declared or adjudged to be invalid or unconstitutional, 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 invalid or unconstitutional was not originally a part of the
ordinance.

Section 5. Repealer. All ordinances and resolutions, and parts thereof, which are in conflict with
any provision of this ordinance are hereby repealed to the extent of such conflict.

Section 6. Emergency Clause. The ability to link various City facilities, including but not limited
to public safety facilities, by fiber optics is necessary for more efficient communications and the sharing
of data, and therefore is essential to the public health, safety and welfare; an emergency is, therefore,
declared to exist and this ordinance shall be in full force and effect from and after its passage.

ADOPTED: September 1, 2015

ATTEST:                      APPROVED:

____________________________________  _____________________________________
Susan Langley, City Clerk        Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney