RESOLUTION NO.

A RESOLUTION TO REJECT ANY AND ALL BIDS FOR A TOWING CONTRACT; TO CONTINUE THE CURRENT CONTRACT TO DECEMBER 31, 2016, UNDER THE SAME TERMS FOR ALL COMPANIES THAT WISH TO DO SO AND ARE ON THE CURRENT CONTRACT; TO ALLOW OTHER COMPANIES THAT QUALIFY TO ENTER INTO THE ROTATION UNDER THE CURRENT CONTRACT; TO DIRECT THE CREATION OF A NEW TOWING CONTRACT THAT WILL ALLOW ENTRY BY ANY QUALIFIED COMPANY UPON PROOF OF QUALIFICATIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City has a need for towing and recovery companies to be available for non-consent tows of vehicles from the streets and rights-of-way of the City; and,

WHEREAS, there have been various efforts to obtain this assistance by a competitive bid grant to one (1) company, or a competitive bid grant to any qualified company, and yet there have continuously been questions and challenges on matters that continuously take up inordinate amounts of staff time; and,

WHEREAS, the City will create a contract for any qualified company that wishes to participate in the rotation for non-consent tows that will, among other things, permit the City to take disciplinary action on its own if necessary and not have to wait for final action by State Regulatory Authorities, and will also permit the City to permit any qualified company to be added to the rotation upon proof of such qualification and agreement to the terms of the City’s contract; and,

WHEREAS, there is currently a bid outstanding for which the City reserves the right to reject and all bids;

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

Section 1. Bid No. 16136 for towing and recovery services for non-consent City tows, and all responses to such a bid, are hereby rejected.

Section 2. All companies currently included on the towing and recovery contract that is in effect until September 30, 2016, will be permitted to stay on the City rotation for towing and recovery pursuant to the terms of this contract until a new contract is put into place which will occur no later than December 31, 2016.

Section 3. Any company not currently included on the towing and recovery contract that is in effect until September 30, 2016, and wishes to participate in such a contract, may be added to the towing rotation.
on or after October 1, 2016, if the company agrees to the terms of the current contract, and proves to the satisfaction of the City Manager the capability to perform the services required in the contract.

**Section 4.** The City Manager is directed to have in place, prior to December 31, 2016, a new contract and list of qualifications for any qualified company to participate in the towing and recovery rotation of the City.

**Section 5. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

**Section 6. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

ADOPTED:   September 6, 2016

ATTEST:            APPROVED:

_____________________________________   ____________________________________
Susan Langley, City Clerk        Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney

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