ORDINANCE NO. ______

AN ORDINANCE TO DECLARE IT IMPractical AND UNFEASIBLE TO BID, TO AUTHOrIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIDSOUTH RAILROAD SERVICE, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-SEVEN THOUSAND, NINE HUNDRED EIGHTY-THREE DOLLARS ($247,983.00), FOR RAILROAD EQUIPMENT AND SERVICES FOR THE FOURCHE DAM PIKE WIDENING PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, the City has undertaken an economic development project to widen and improvement Fourche Dam Pike from north of Lindsey Road to south of Frasier Pike in the Little Rock Port area, including widening and improvement of the railroad crossing north of Lindsey Road; and,

WHEREAS, after careful consideration, it has been deemed that competitive bidding of this specialized railroad equipment is not feasible as there is only one (1) qualified bidder within the State of Arkansas that can meet all specification requirements, including meeting the need for emergency maintenance and repair making this an exceptional situation; and,

WHEREAS, MidSouth Railroad Service, the only qualified bidder in Arkansas, has maintained rail signal equipment at the Little Rock Port Authority for forty-five (45) years and can ensure continuity and compatibility with existing systems, and has a local employee in place to respond to malfunctioning equipment in a timely manner thereby enabling the Port Authority Railway to meet Federal Railroad Administration Requirements.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. The City Manager is authorized to enter into a contract with MidSouth Railroad Services for Railroad Equipment and Services for the Fourche Dam Pike Widening Project, in an amount not to exceed Two Hundred Forty-Seven Thousand, Nine Hundred Eighty-Three Dollars ($247,983.00), which is the base contract amount of Two Hundred Six Thousand, Six Hundred Fifty-Two and 71/100 Dollars ($206,652.71).

Section 2. Because MidSouth Railroad Service is the only qualified bidder within the State of Arkansas that can meet all specification requirements, including meeting the need for emergency maintenance and repair making this an exceptional situation, the Board of Directors finds that it is impractical and unfeasible to bid for such an agreement.
Section 3. Funding will be from a grant from the Economic Development Administration and the Job
Recruitment/Economic Development set-aside in the 3/8-Cent Capital Improvement Sales and
Compensating Use Tax.

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 laws, ordinances, resolutions, or parts of the same that are inconsistent with
the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

PASSED: December 1, 2020

ATTEST: APPROVED:

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Susan Langley, City Clerk Frank Scott. Jr., Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney