

RESOLUTION NO. 2017 - 42

A RESOLUTION APPROVING A CERTAIN PURCHASE AGREEMENT;
AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND
PERFORM UNDER THE TERMS OF A CERTAIN AGREEMENT; AND FOR
OTHER PURPOSES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEARCY, TO-WIT:

WHEREAS, the City of Searcy has been presented a certain agreement associated with the operations of the City of Searcy or that have an impact upon the residents of the City of Searcy, for the acquisition of two (2) overhead refuse trucks, with Henard Utility Products, Inc., specifically, the following trucks:

- A. 2018 Peterbilt Model 520/Dadee Mantis diesel powered front load overhead refuse truck;
- B. 2016 Peterbilt Model 320/Dadee Mantis Compressed Natural Gas (CNG) powered front load overhead refuse truck;

(the "Agreement") a copy of which have been submitted to the Searcy City Council; and

WHEREAS, the City of Searcy wishes to approve the execution of, ratify the terms of and perform under the conditions contained in, the Agreement; and

WHEREAS, the City currently has only one (1) front load overhead refuse truck operable and, without the trucks identified in the Agreement, refuse could be allowed to accumulate in bins across the city, posing a significant health and safety risk to the citizens of the City; and

WHEREAS, current inclement and hazardous weather in Texas and the Southeastern part of the United States will likely make it more difficult to obtain additional trucks; and

WHEREAS, an emergency exists requiring the execution of the Agreement and the waiving of competitive bidding, and the delays incurred by competitive bidding, in order to acquire the trucks identified in the Agreement on a more expedited basis to provide for the health, safety and welfare of the residents of Searcy.

NOW, THEREFORE, be it resolved by the City Council of the City of Searcy, Arkansas, to-wit:

Section 1. That the Searcy City Council approves and ratifies the terms, conditions and obligations of the Agreement according to terms acceptable to the Mayor.

Section 2. That the Searcy City Council authorizes and directs the Mayor and City Clerk to execute and perform under the terms of, the Agreement, subject to budgetary restrictions and the appropriation of funds for the purchase of the equipment identified in the Agreement.

Section 3. To the extent permitted by law, the requirements of competitive bidding with respect to the purchase of the equipment identified in the Agreement is waived.

Section 4. That the Mayor is authorized to take all actions determined to be necessary, in the sole and exclusive determination of the Mayor, in the performance of all obligations, duties and responsibilities associated with the Agreement.

PASSED AND ADOPTED this 8th day of September, 2017.

/s/ David Morris
Mayor

ATTEST:

/s/ Jerry Morris
City Clerk