

ORDINANCE NO. 328

AN ORDINANCE TO ALLOW STEVE BEAM CONSTRUCTION, INC. TO PARTICIPATE IN THE SEWER IMPROVEMENT AND RELOCATION CONTRACT FINANCED BY THE STATE OF ARKANSAS PREPARATORY TO CONSTRUCTION OF INTERSTATE 49

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS:

WHEREAS, A.C.A. §14-42-107(b)(1) provides that “no alderman, council member, official, or municipal employee shall be interested, directly or indirectly, in the profits of any contract for furnishing supplies, equipment, or services to the municipality unless the governing body of the city has enacted an ordinance specifically permitting aldermen, council members, officials, or municipal employees to conduct business with the city and prescribing the extent of this authority.” [Emphasis added.]

WHEREAS, the City of Barling has offered for public bidding under the competitive bidding statutes of the State of Arkansas a project to construct and relocate sewer lines in the City of Barling as part of a sewer line improvement project to be paid by the State of Arkansas as preliminary work toward the goal of constructing Interstate 49 (hereinafter referred to as “the sewer improvement project”);

WHEREAS, Steve Beam is a current member of the Board of Directors of the City of Barling and is the owner of Steve Beam Construction, Inc.;

WHEREAS, the construction firm of Blake Construction has submitted the only bid to construct the sewer improvement project;

WHEREAS, the Blake Construction proposal includes utilizing Steve Beam Construction, Inc., as a subcontractor for the purpose of preparing manholes and Blake Construction has advised the City of Barling that it prefers to use Steve Beam Construction, Inc. for the sewer improvement project, that it utilized the pricing structure or bid of Steve Beam Construction, Inc. in submitting its own bid, and was not previously aware of any statute that might create a conflict of interest;

WHEREAS, the bid submitted by Blake Construction was submitted and considered in all respects in accordance with the competitive bidding statutes, after proper publication of the bid process, of the State of Arkansas and with due regard to the interest to the taxpayers of the City of Barling and the State of Arkansas;

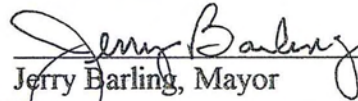
WHEREAS, if the City of Barling did not pass an ordinance allowing Steve Beam Construction, Inc. to perform the subcontract, then the bidding would have to be reopened and the projects would thereby be delayed;

WHEREAS, the City of Barling has assured itself that there has been no impropriety and that no favoritism exists or has occurred and that no conflict of interest will arise during the performance of the sewer improvement project;

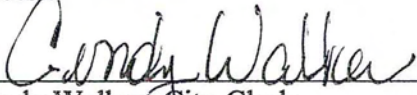
NOW, THEREFORE FOR AND IN CONSIDERATION OF THE FOREGOING, AND PURSUANT TO THE PROVISIONS OF A.C.A. §14-42-107, THE CITY OF BARLING DOES HEREBY AGREE THAT:

Section 1. Steve Beam Construction, Inc. shall be allowed to participate as a subcontractor in the sewer improvement project awarded to Blake Construction as an exception to the prohibition of A.C.A. §14-42-107. Steve Beam, as Director of the City of Barling, shall not participate in any vote, or discussion preliminary to said vote, necessary during the construction of the sewer improvement project and shall recuse himself in all matters coming before the Board of Directors related to Blake Construction and the sewer improvement project.

Passed and approved this 28<sup>TH</sup> day of March, 2006.

  
Jerry Barling, Mayor

Attest:

  
Cindy Walker, City Clerk

