

ORDINANCE NO. 6443

AN ORDINANCE APPROVING THE PURCHASE OF A CERTAIN KOHLER GENERATOR FROM RP POWER, LLC FOR THE DAVIDSON DRIVE WASTEWATER TREATMENT PLANT PURSUANT TO A.C.A. § 14-58-104(21); AND FOR OTHER PURPOSES.

WHEREAS, The generator for the Davidson Drive wastewater treatment plant was designed and specified by Brown Engineers, LLC and Crist Engineers, Inc. utilizing a 2,500 kW Kohler Emergency Generator Set which is part of the improvement projects required by the consent administrative order; and

WHEREAS, RP Power, LLC, the only Authorized Kohler Distributor in Arkansas, placed an order with Kohler on June 30, 2022 to avoid price increases and delivery delays; and

WHEREAS, RP Power, LLC, has proposed supplying the generator to the City of Hot Springs at a total price of \$1,095,323.03 and store it until installation; and

WHEREAS, A.C.A. §14-58-104 provides that " The governing body of a city of the first class, city of the second class, or an incorporated town may purchase the following commodities without soliciting bids: (21) (A) Goods or services available only from a single source. (B) A purchase under this subdivision (21) shall be supported with: (i) Documentation concerning the exclusivity of the single source; and (ii) A written proclamation from the chief executive filed with the clerk or recorder that sets forth the basis for the single source procurement."

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas:

Section 1: That it is found and determined that RP Power, LLC is the sole source provider of Kohler industrial products in their area of responsibility which includes the State of Arkansas and, thus, the requirement of competitive procurement for the herein described equipment is waived pursuant to A.C.A. §14-58-104 (21).

Section 2: That the purchase of certain a 2,500 kW Kohler Emergency Generator Set from RP Power, LLC is hereby approved; and provided further, that the City's Purchasing Agent is authorized to issue a Purchase Order to RP Power, LLC for a 2,500 kW Kohler Emergency Generator Set in the amount of \$1,095,323.03.

PASSED: October 4, 2022

APPROVED: 

PAT MCCABE, MAYOR

ATTEST: 

HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: 

BRIAN W. ALBRIGHT, CITY ATTORNEY