

RESOLUTION NO. R-8755A

A RESOLUTION PROVIDING FOR THE INTERVENTION  
OF THE CITY OF CONWAY IN THE CASE OF  
CONSTRUCTION ENGINEERS, INC. V. CONWAY CORPORATION, ET AL.,  
PENDING IN THE CHANCERY COURT OF PULASKI COUNTY, ARKANSAS

WHEREAS, The Conway Corporation, its Manager and its Board of Directors, have been sued by Construction Engineers, Inc. in the Chancery Court of Pulaski County, in Case No. 86-3687 (the "suit"); and

WHEREAS, at issue in the suit is the right of The Conway Corporation, as an agency of the City of Conway, Arkansas, to let public contracts to the lowest "responsible" bidder, as opposed to the lowest bidder; and

WHEREAS, the Chancery Court of Pulaski County, Arkansas, in the suit, has entered preliminary findings to the effect that the contract in question should have been awarded to Construction Engineers, Inc., that the Manager of The Conway Corporation and the corporation's engineer, Bennie McCoy, are answerable in damages to the plaintiff and that the award of the contract to the second low bidder was unjustified; and

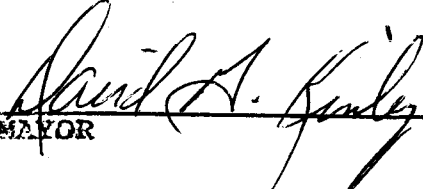
WHEREAS, it is in the best interest of the City of Conway that it intervene in the suit in support of The Conway Corporation, its Manager and Board of Directors, so that its needs and desires may be known to the Court;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Conway, Arkansas:

Section 1. In order to insure that the City of Conway, and other municipalities similarly situated, can maintain the freedom to exercise discretion in the award of public contracts to the lowest responsible bidder, the City of Conway shall attempt to intervene in the pending suit, in support of The Conway Corporation, its Manager and its Board of Directors.

Section 2. The City Attorney of the City of Conway, Arkansas, is hereby directed to prepare the necessary pleadings to intervene in the pending suit in order to protect the interests of the City of Conway.

Section 3. This Resolution shall be in force upon its passage and approval.

  
MAYOR

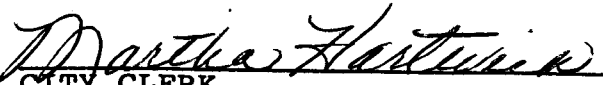
ATTEST:

  
CITY CLERK  
(SEAL)

CERTIFICATE

The undersigned, City Clerk of Conway, Arkansas, hereby certifies that the foregoing is a true and compared copy of a Resolution passed at the Regular session of the City Council of Conway, Arkansas, held at the regular meeting place in the City at 6:30 o'clock P.m., on the 11th day of August, 1987, and that said Resolution is of record in Record Book 11 Page 118, now in my possession.

GIVEN under my hand and seal this 11th day of August, 1987.

  
CITY CLERK

(SEAL)