

A SUBSTITUTE RESOLUTION BY  
CITY UTILITIES COMMITTEE

**CORRECTED COPY**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER TO CONTRACT NO. FC-7134-99; DESIGN/BUILD OF NANCY CREEK TRUNK SEWER CAPACITY MANAGEMENT FACILITY WITH WESTERN SUMMIT CONSTRUCTORS, INC., ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO MILLION THREE HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWENTY-SEVEN DOLLARS (\$2,316,827.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J27 574001 M24I02429999.**

**WHEREAS**, the City of Atlanta entered into Contract No. FC-7134-99; Design/Build of Nancy Creek Trunk Sewer Capacity Management Facility; [1] Phase I; Preliminary Design; and [2] Phase II; Owner Option For Final Design and Construction-Cost Plus Fee with a Guaranteed Maximum Price (the "Contract") with Western Summit Constructors, Inc. (the "Contractor") in connection with various Consent Decrees to which the City is a party; and

**WHEREAS**, the Contract included the provision of services by the Contractor in 2 phases, the first phase being Phase 1, Preliminary Design Services, in an amount not to exceed One Million Two Hundred Fifty Thousand Four Hundred Forty-four Dollars (\$1,250,444.00); and

**WHEREAS**, the Contract also included an option in the City's favor to allow the Contractor to perform Phase 2 services, which included completing the preliminary design prepared in Phase I and constructing the Nancy Creek Pump Station and support facilities for a guaranteed maximum price to be established in Phase I; and

**WHEREAS**, the Contractor has performed the Phase 1 services in the Contract satisfactorily and the City anticipates receiving and evaluating the Contractor's guaranteed maximum price proposal for Phase 2 services in the near future; and

**WHEREAS**, in addition to the Phase 1 services and potential Phase 2 services, the City has identified additional work scope necessary to be completed in connection with and within the general scope of services contemplated by the Contract in order to comply with the Consent Decrees; and

**WHEREAS**, the additional scope of services includes site preparation work and the demolition of an existing pump house/steam plant; and

**WHEREAS**, the Commissioner of the Department of Public Works and the Director of the Bureau of Purchasing and Real Estate have recommended that the City allow these additional services to be performed by the Contractor as Phase 1.5 ("Phase 1.5 Services") of the Contract in an amount not to exceed Two Million Three Hundred Sixteen Eight Hundred Twenty-seven Dollars (\$2,316,827.00) in order to adhere to the applicable Consent Decrees; and



# CORRECTED COPY

**WHEREAS**, the City has determined that it is desirable and in the best interests of the City to issue a Change Order to the Contract to provide that the Contractor will perform the Phase 1.5 Services under the Contract;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor is authorized to execute a Change Order to the Contract to provide that the Contractor will perform Phase 1.5 Services under the Contract in an amount not to exceed Two Million Three Hundred Sixteen Eight Hundred Twenty-seven Dollars (\$2,316,827.00); and

**BE IT FURTHER RESOLVED**, that the Director of Purchasing and Law Department are authorized to prepare an appropriate Change Order to the Contract for execution by the Mayor, to be approved by the City Attorney as to form, reflecting the terms and conditions applicable to the Contractor's performance of Phase 1.5 Services.

**BE IT FURTHER RESOLVED**, that the Change Order will not become binding on the City, and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk and delivered to the Contractor.

**BE IT FURTHER RESOLVED**, that the Phase 1.5 Services will be charged to and paid from fund, account and center number: 2J27 574001 M24I02429999.

A true copy,

*Thonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

MAR 04, 2002  
MAR 12, 2002

RCS# 3561  
3/04/02  
2:28 PM

Atlanta City Council

Regular Session

02-R-0332            Change Order for Nancy Creek Sewer; Not  
                         to Exceed \$2,316,827  
                         ADOPT ON SUB

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

RECEIVED

APR 01 2002

MUNICIPAL CLERK

ADMINISTRATIVE CORRECTION TO LEGISLATION  
REQUEST FORM

TO: Rhonda Dauphin Johnson  
Municipal Clerk

Re: 02-R-0332  
Legislative ID Number (Ordinance/Resolution)

3/4/02                      3/12/02  
Adoption Date                      Approval Date

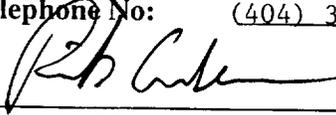
FROM:  Councilmember                       Department Head

Name: Rick Anderson

Dept/Bureau: Department of Finance

E-Mail Address: randerson1@ci.atlanta.ga.us

Telephone No: (404) 330-6454                      Fax No.: (404) 658-6667



Signature(s) of Councilmember and/or Department Head

(Questions 1-5, below and on reverse side of page, must be completed.)

1.) What is the requested change/correction? (Give detailed description; Use additional page(s) if necessary; Provide supporting attachments as needed.)

The requested change or correction is to correct the Account  
number from 573001 to 574001 wherever it appears

Blank lines for additional text or details.

02-R-0332

(Do Not Write Above This Line)

A RESOLUTION

BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING PHRASE II - SITE PREPARATION WITH WESTERN SUMMIT CONSTRUCTORS, INC FOR FC-7134-99, DESIGN/BUILD OF NANCY CREEK TRUNK SEWER CAPACITY MANAGEMENT FACILITY ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS IN AN AMOUNT NOT TO EXCEED TWO MILLION THREE HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWENTY-SEVEN DOLLARS (\$2,316,827.00). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J27 573001 M24102429999.

ADOPTED BY

MAR 04 2002

COUNCIL

- CONSENT REFER
REGULAR REPORT REFER
ADVERTISE & REFER
1st ADOPT 2nd READ & REFER
PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee
Date
Chair
Action:
Fav. Adv, Hold (see rev. side)
Other:
Members
Refer To

Committee
Date
Chair
Action:
Fav. Adv, Hold (see rev. side)
Other:
Members
Refer To

FINAL COUNCIL ACTION
2nd
1st & 2nd
3rd
Readings
Consent
V Vote
RC Vote

CERTIFIED

CERTIFIED
MAR 04 2002

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
MAR 04 2002

[Signature]

MAYOR'S ACTION

[Signature]
MAR 12 2002