

**A RESOLUTION BY**

**FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CHANGE ORDER NO. 3 FOR FC-7241-00, 5<sup>TH</sup> RUNWAY TRUNK DRAINAGE AND SEWERS, WITH THALLE CONSTRUCTION/ARTIS GROUP, A JOINT VENTURE, ON BEHALF OF THE CITY AND ITS DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED TWO MILLION EIGHT HUNDRED SIXTY TWO THOUSAND FIVE HUNDRED TEN DOLLARS (\$2,862,510.00), TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 2H28 774001 R21E050693CH.**

**WHEREAS**, the City of Atlanta (the "City") entered into a Contract, FC-7241-00, 5<sup>th</sup> Runway Trunk Drainage and Sewers, on behalf of the Department of Aviation at Hartsfield Atlanta International Airport, dated October 24, 2001; and

**WHEREAS**, during the prosecution of the work, Thalle/Artis alleged that it encountered site conditions that differed from those depicted in the Contract drawings and reports; and

**WHEREAS**, Thalle/Artis further alleged that the unforeseen subsurface geotechnical conditions, which could not have been predicted at the time the drawings and reports were prepared, including weathered and fissured rock, deeper bearing strata and a lack of adequate load bearing rock to support the east end of the cast-in-place double box culvert, resulted in additional work; and

**WHEREAS**, the Council of the City of Atlanta did approve two prior Change Orders to this Contract that initially addressed Thalle/Artis' claim related to differing site conditions: [i] Change Order No. 1 in the amount of \$3,200,000; and [ii] Change Order No. 2 in the amount of \$6,500,000; and

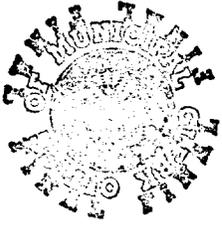
**WHEREAS**, during the working sessions with the Transportation Committee regarding Change Order No. 2, the Aviation General Manager informed the Committee that a Change Order No. 3 would be required to address Thalle/Artis claims regarding work inefficiencies and extended overhead; and

**WHEREAS**, construction of the FC-7241-00, Trunk Drainage and Sewers project was completed on May 5, 2003 and accepted by the City; and

**WHEREAS**, to close out the project, all outstanding issues and claims must be resolved between the City and Thalle/Artis in accordance with the Contract Documents; and

**WHEREAS**, to this end, the Hartsfield Development Program Project Officer has conducted a series of meetings and negotiations with Thalle/Artis that has resulted in a Global Settlement of all issues and claims; and

**WHEREAS**, the Aviation General Manager, the Chief Procurement Officer, and the City Attorney believe it is desirable and in the best interests of the City to document this Global Settlement with Thalle/Artis in the form of a Change Order No. 3 for



FC-7241-00, 5<sup>th</sup> Runway Trunk Drainage and Sewers, in the amount of \$2,862,510.00 be executed between the City and Thalle/Artis.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,** that the Mayor or her designee be and is hereby authorized to execute Change Order No. 3 with Thalle Construction/Artis Group, a Joint Venture, on behalf of the City and its Department of Aviation, for a total not to exceed amount of \$2,862,510.00.

**BE IT FURTHER RESOLVED,** that the Chief Procurement Officer of the Department of Procurement be and is hereby directed to prepare Change Order No. 3 for execution by the Mayor, to be approved by the City Attorney as to form.

**BE IT FURTHER RESOLVED,** that Change Order No. 3 shall not become binding on the City and the City shall incur no liability under it until it has been executed Thalle/Artis and the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Thalle/Artis.

**BE IT FINALLY BE RESOLVED,** that Change Order No. 3 shall be charged to and paid for from Fund, Account, and Center Number: 2H28 774001 R21E050693CH.

A true copy,

*Rhonda Daughen Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

AUG 18, 2003  
AUG 21, 2003

RCS# 4947  
8/18/03  
2:06 PM

Atlanta City Council

Regular Session

CONSENT I            CONSENT I PGS. 1-11, EXCEPT:03-R-1165,  
03-R-1170, 03-R-1171,03-R-1172,03-R-1210  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

RCS# 4948  
8/18/03  
2:07 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I  
03-R-1170, 03-R-1171, 03-R-1172, 03-R-1210  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

		8/18/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1105	31. 03-R-1138	38. 03-R-1145
2. 03-O-0720	32. 03-R-1139	39. 03-R-1146
3. 03-O-0780	33. 03-R-1140	40. 03-R-1147
4. 03-R-1169	34. 03-R-1141	41. 03-R-1148
5. 03-R-1197	35. 03-R-1142	42. 03-R-1149
6. 03-R-1198	36. 03-R-1143	43. 03-R-1150
7. 03-R-1199	37. 03-R-1144	44. 03-R-1151
8. 03-R-1200		45. 03-R-1152
9. 03-R-1201		46. 03-R-1153
10. 03-R-1168		47. 03-R-1154
11. 03-R-1170		48. 03-R-1155
12. 03-R-1171		49. 03-R-1156
13. 03-R-1172		50. 03-R-1157
14. 03-R-1209		51. 03-R-1158
15. 03-R-1210		52. 03-R-1159
16. 03-R-1173		53. 03-R-1160
17. 03-R-1174		54. 03-R-1161
18. 03-R-1184		55. 03-R-1162
19. 03-R-1189		56. 03-R-1163
20. 03-R-1190		57. 03-R-1164
21. 03-R-1211		
22. 03-R-1194		
23. 03-R-1195		
24. 03-R-1196		
25. 03-R-1176		
26. 03-R-1177		
27. 03-R-1178		
28. 03-R-1179		
29. 03-R-1180		
30. 03-R-1192		

Consent I Vote: 13 Yeas; 0Nays: (See RCS #4947)

Items Removed from the Consent Agenda: 03-R-1165; Mitchell abstained on 03-R-1170; 03-R-1171; 03-R-1172; & 03-R-1210

**03-1195**  
 (Do Not Write Above This Line)

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FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CHANGE ORDER NO. 3 FOR FC-7241-00, 5TH RUNWAY TRUNK DRAINAGE AND SEWERS, WITH THALLE CONSTRUCTION/ARTIS GROUP, A JOINT VENTURE, ON BEHALF OF THE CITY AND ITS DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED TWO MILLION EIGHT HUNDRED SIXTY TWO THOUSAND FIVE HUNDRED TEN DOLLARS (\$2,862,510.00), TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 2H28 774001 R21E050693CH

AUG 1 8 2003

ADOPTED BY

- 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:  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee  
 Date  
 Chair  
 Referred To

8/13/03  
 Chair  
 Fav, Adv, Hold (see rev. side)  
 Other

Members

Refer To

Refer 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

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  
 AUG 1 8 2003

ATLANTA CITY COUNCIL PRESIDENT  
 Cathon W. Hoffard

CERTIFIED  
 AUG 1 8 2003

Municipal Clerk

MAYOR'S ACTION

Mayor's Signature