

AN Ordinance by Councilmember Clair Muller
A^SSUBSTITUTE ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE

02-O-0083

AN ORDINANCE AMENDING SECTION 2-1292 OF THE CITY'S CODE OF ORDINANCES TO CLARIFY PROCEDURES FOR AUTHORIZING THE CITY'S PURCHASING AGENT'S EXECUTION OF CONTRACT MODIFICATIONS AND CHANGE ORDERS TO CITY CONTRACTS; TO CLARIFY CERTAIN ERRORS AND INCONSISTENCIES IN THE CODE SECTION; AND FOR OTHER PURPOSES.

WHEREAS, Section 2-1292 of the City's Code of Ordinances allows the City's Purchasing Agent, in one emergency circumstance only, to execute contract modifications and change orders without formal City Council authorization when:

1. The Purchasing Agent, the Chief Financial Officer and Using Agency determine in writing that the total cumulative cost of all contract modifications or change orders does not exceed ten percent of the total "not to exceed" cost originally authorized for the contract; **and**
2. The Purchasing Agent, the Chief Financial Officer and Using Agency determine in writing that the contract modification or change order cannot be delayed pending approval of the Mayor and City Council without substantial delay and cost to the City; **and**
3. The Chief Financial Officer verifies the availability of funds for the contract modification or change order; **and**
4. Where the contractor's ability to meet the terms and conditions of the contract are materially affected by:
 - a. Differing conditions; or
 - b. Estimating errors unapparent to the City or contractor at the time of entering into the contract; or
 - c. Design errors; or
 - d. Other miscellaneous unapparent errors.

WHEREAS, in all other instances, City Council and Mayoral approval are required before a contract modification or change order may be executed by the Purchasing Agent; and

WHEREAS, it is believed that certain errors and inconsistencies currently exist in City Code Section 2-1292 which need to be corrected; and

WHEREAS, it is also desirable and in the best interests of the City to impose additional conditions on the emergency execution of contract modifications or change orders in order to ensure the City's actions are fiscally responsible and justified by the existing circumstances;

NOW THEREFORE, BE HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Section 2-1292(a)(1) is amended as follows:

1. Current Subsection 2-1292(a)(1)b is deleted in its entirety and replaced with the following:

b. The Chief Financial Officer verifies in writing the availability of funds therefore;

2. current Subsection 2-1292(a)(1)c is renumbered to 2-1292(a)(1)d; and

3. the following is added before the newly numbered Subsection 2-1292(a)(1)d:

c. Proposed contract modifications or change orders exceeding \$500,000, notwithstanding that this amount may be less than the ten percent (10%) total cumulative cost of all contract modifications or change orders for the year in question and as specified in Subsection 2-1292(a)(1) of this Ordinance, must be approved by the mayor and city council. To determine the authority of the Purchasing Agent to execute a contract modification or change order pursuant to this Ordinance for a contract with a term in excess of 1 year, the total of the monetary amounts payable under the contract for the multi-year term must be prorated equally for each year of the term of the contract. The annual prorated amount will serve as the benchmark for calculating the 10% ceiling set forth in this Ordinance for the applicable year in which the contract modification or change order is to be effected, as specified in Subsection 2-1292(a)(1), subject to the \$500,000 limitation. For instance, the 10% ceiling for

a contract modification or change order involving a 10 year, \$10 million contract with an annual payment due of \$1 million each year, will be calculated to be \$100,000.

Section 2: That Subsection 2-1292(b)(2) is deleted in its entirety and replaced with the following:

(2) Conditions that were unknown to both parties at the time of entering into the original contract;

Section 3: Except as amended by this Ordinance, the remainder of Section 2-1292 remains in full force and effect.

Section 4: That all ordinances and parts of ordinances in conflict with this Ordinance are repealed.

**CONDITION FOR APPROVAL FORM
(TO ACCOMPANY LEGISLATION)**

COMMITTEE: FINANCE/EXECUTIVE

DATE: 10/15/13

ORDINANCE # D3-0-0679 RESOLUTION # _____

REQUESTED BY: FINANCE/EXECUTIVE

Atlanta
DIRECTED TO: FULTON Co REC Authority

NATURE OF CONDITION FOR APPROVAL:

AFCRA must provide list of items that the Bond
Refund Money will be used towards.

WHEN IS THIS INFORMATION DUE, AND TO WHOM?

Prior to 10/20/13 Council Meeting to the Committee

WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?

YES () NO ()

WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?

YES () NO ()

HAS THIS INFORMATION BEEN RECEIVED? YES () NO ()

DATE OF RECEIPT: _____

RCS# 4224
11/18/02
2:58 PM

Atlanta City Council

Regular Session

02-O-0083

Amending Purchasing Procedures

REFER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

NV Smith	Y Archibong	Y Moore	NV 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

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(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER CLAIR MULLER

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TABLED BY CITY COUNCIL MAY 06 2002
Remained on Table May 20, 2002

TABLED BY CITY COUNCIL JUN 03 2002 w/o objection

TABLED BY CITY COUNCIL JUN 17 2002 w/o objection

TABLED BY CITY COUNCIL JUL 01 2002 w/o objection

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1st ADOPT 2nd READ & REFER

PERSONAL PAPER REFER

Date Referred 01/07/02

Referred To: Exec / Finance

Date Referred 10/14/02

Referred To: for 2 Weeks Certain Without Objection

Date Referred 11/18/02 FILED BY CITY COUNCIL OCT 20 2003

Referred To: Finance / Exec

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee FIN / Exec
Date 1/16/02
Chair _____

Action: Fav, Adv, Hold (see rev. side)
Other: _____

Members _____

Refer To _____

Committee FIN / Exec
Date 3-13-02
Chair 27-02

Action: Fav, Adv, Hold (see rev. side)
Other: CN Subst. hulled #2

Members _____

Refer To _____

Committee FIN / Exec
Date 1-30-02
Chair 13/02

Action: Fav, Adv, Hold (see rev. side)
Other: SEAT 3 Assists

Members _____

Refer To _____

Committee FIN / Exec
Date 4-10-02
Chair _____

Action: Fav, Adv, Hold (see rev. side)
Other: Forward No Rec

Members _____

Refer To _____

FINAL COUNCIL ACTION

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

CERTIFIED
OCT 20 2003

CITY COUNCIL PRESIDENT

Signature
Finance Exec

10/15/3

File

Signature
Chair

MAYOR'S ACTION

CERTIFIED
OCT 20 2003

Signature
MUNICIPAL CLERK