

A SUBSTITUTE RESOLUTION

04-R-2213

BY CITY UTILITIES COMMITTEE

CORRECTING RESOLUTION 04-R-0378 WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA CSO CONSTRUCTORS FOR THE PURPOSE OF CONSTRUCTING THE WEST AREA CSO STORAGE TUNNEL AND PUMPING STATION PROJECT BY AMENDING FC-7646-03, BY INSERTING A NEW PROJECT FUND, ACCOUNT AND CENTER NUMBER AS A RESULT OF THE 2004 WATER AND WASTEWATER BOND FUNDS SOLD FOR THIS PURPOSE.

WHEREAS, Resolution number 04-R-0378 was adopted as amended by the Council on March 15, 2004 and approved by the Mayor on March 23, 2004; and

WHEREAS, because the 1998 and 1999 Consent Decree Orders require this project to move with all due haste; and

WHEREAS, Resolution number 04-R-0378 was approved with the knowledge that additional funds would be needed for this project once the 2004 Water and Wastewater Bonds were sold; and

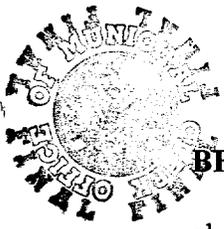
WHEREAS, the City of Atlanta did sale said bonds September, 2004 in the amount of \$849,062,888.00; and

WHEREAS, the Department of Finance has anticipated and appropriated all proceeds from the sale of these bonds into the appropriate fund, account and center number for the purpose of complying with the bond covenant; and

WHEREAS, the West Area CSO Storage Tunnel and Pumping Station Project is one of the projects the 2004 Water and Wastewater Bonds was sold and funds are now available for this project.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That Resolution 04-R-0378 is amended by inserting a new "Be it Finally Resolved clause" which adds an additional project center for the West Area CSO Storage Tunnel and Pumping Station Project and the legislation shall read as follows:



BE IT FINALLY RESOLVED, that all services for said contracted work shall be charged to and paid from Fund, Account and Center Numbers: 2J26 574001 Q38I02679999, 2J27 574001 Q38I02679999 and 2J28 574001 Q38I02679999.

SECTION 2: That all resolutions and parts of resolutions in conflict herewith be and are hereby waived.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

DEC 06, 2004
DEC 10, 2004

**CITY COUNCIL
ATLANTA, GEORGIA**

04-R-0378

**A SUBSTITUTE RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR OR DESIGNEE TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH ATLANTA CSO CONSTRUCTORS FOR FC-7646-03, WEST AREA CSO STORAGE TUNNEL AND PUMPING STATION PROJECT ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED \$210,231,000.00. THIS IS THE COMBINATION OF PARTS A AND B OF THIS PROJECT, WHICH INCLUDES THE CLEAR CREEK TUNNEL AND THE NORTH AVENUE STORAGE TUNNEL AND PUMPING STATION PROJECT. ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBERS: 2J26 574001 Q38I02679999 AND 2J27 574001 Q38I02679999 AND VARIOUS FUND ACCOUNT AND CENTER NUMBERS.

WHEREAS, the Chief Procurement Officer of the Department of Procurement did advertise FC-7646-03, West Area CSO Storage Tunnel and Pumping Station Project on behalf of the Department of Watershed Management; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended that the Agreement for FC-7646-03, West Area CSO Storage Tunnel and Pumping Station Project, Part A – Clear Creek Tunnel Project and Part B – North Avenue Storage Tunnel and Pumping Station Project be awarded to Atlanta CSO Constructors period of forty-five (45) months.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor be and is hereby authorized to enter into an agreement with Atlanta CSO Constructors, for FC-7646-03, West Area CSO Storage Tunnel and Pumping Station Project, Part A – Clear Creek Tunnel Project and Part B – North Avenue Storage Tunnel and Pumping Station Project.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer be and is hereby directed to prepare an appropriate agreement for execution by the Mayor to be approved by the City Attorney as to form.

BE IT FURTHER RESOLVED, that this agreement shall not become binding on the City, and the City shall incur no liability upon same until such contract has been executed by the Mayor and delivered to the contracting party.



BE IT FURTHER RESOLVED that the final agreement executed between the City of Atlanta and the contractor, and all ancillary agreements related thereto, shall be revised so as to expressly prohibit the contractor or subcontractors from utilizing trucks on Bolton Road, from Marietta Boulevard to James Jackson Parkway, for the purpose of the effectuating the authorized tunnel construction.

BE IT FURTHER RESOLVED that all change orders in excess of 10% of the contracted amount of \$210,231,000.00 on FC-7646-03 shall be compensated on a cost basis only, with no compensation to the contractor for profit or multipliers which may be provided elsewhere in the contractual agreement.

BE IT FINALLY RESOLVED, that all services for said contracted work shall be charged to and paid from fund account and center numbers: 2J26 574001 Q38I02679999 and 2J27 574001 Q38I02679999 and various fund account and center numbers.

LP (02/23/04)

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council
APPROVED by the Mayor

March 15, 2004
March 23, 2004

RCS# 6346
12/06/04
7:19 PM

Atlanta City Council

Regular Session

04-R-2213

CORRECTING 04-R-0378 AGRMNT W/ATL CSO
CONSTRUCTORS W A CSO STRG TUNN PUMP STA
ADOPT ON SUB

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	E Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

04-R-2213

04-R-2213

(Do Not Write Above This Line)

A RESOLUTION BY
CITY UTILITIES
COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR
DESIGNEE TO AMEND RESOLUTION, 04-R-0378,
WITH ATLANTA CSO CONSTRUCTORS, A JOINT
VENTURE, FOR FC-7646-03, WEST AREA CSO
STORAGE TUNNEL AND PUMPING STATION TO
APPROPRIATE FUNDS FOR THE SECOND YEAR
OF THE AGREEMENT IN THE AMOUNT NOT TO
EXCEED FORTY SIX MILLION SEVEN HUNDRED
FIFTY THOUSAND SIX HUNDRED THIRTY SEVEN
DOLLARS (\$46,750,637.00) AND TO AMEND THE
ORIGINAL FUND ACCOUNT AND CENTER
NUMBERS: 2J26 574001 Q38102679999 and 2J27
574001 Q38102679999. ALL CONTRACTED WORK
SHALL BE CHARGED TO AND PAID FROM FUND
ACCOUNT AND CENTER NUMBERS: 2J21 574001
Q38102679999- WATER & WASTEWATER
RENEWAL AND EXTENSION FUND; 2J27 574001
Q38102679999 - 2001 WATER AND WASTEWATER
30ND FUND; AND 2J28 574001 Q38102679999 -
2004 WATER AND WASTEWATER BOND FUND.

- 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:

ADOPTED BY

DEC 06 2004

COUNCIL

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

DEC 06 2004

MAYOR'S ACTION

Walter Frank