



AN ORDINANCE

BY TRANSPORTATION COMMITTEE

04-0-2138

**AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE SECTIONS 2-1189, 2-1193, 2-1205 AND 2-1206 OF ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, ALLOWING THE CITY TO CONTRACTUALLY OPERATE, ON A MONTH-TO-MONTH BASIS, FOR A PERIOD OF TWO MONTHS, COMMENCING ON JANUARY 1, 2005, AND CONTINUING THROUGH AND INCLUDING FEBRUARY 28, 2005, UNDER THE TERMS OF ITS PRIOR EXPIRED CONTRACT WITH BOMBARDIER, INC., DATED EFFECTIVE APRIL 1, 1998, FOR THE CONTINUED OPERATION AND MAINTENANCE OF THE AUTOMATED GUIDEWAY TRANSIT SYSTEM AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, FOR AN AMOUNT NOT TO EXCEED \$1,667,000.00 TO BE PAID FROM ACCOUNT NO. 2H01 523001 R49001 (AIRPORT REVENUE FUND); AND FOR OTHER PURPOSES.**

**WHEREAS**, the Automated Guideway Transit System ("AGTS") at Hartsfield-Jackson Atlanta International Airport is a sole source/proprietary system originally designed, fabricated, installed, operated and maintained within the Central Passenger Terminal Complex ("CPTC") under a Contract between the City of Atlanta ("City") and Westinghouse Electric Corporation ("Westinghouse"), dated April 26, 1977; and

**WHEREAS**, based upon determinations by the City's Department of Procurement f/k/a Bureau of Purchasing and Real Estate, and month to month extension legislation adopted by the City, it has, since the initial contracting date of April 26, 1977, renewed, extended and executed additional contracts with Westinghouse or its successors in interest (collectively, the "Contractor"), for the continued operation and maintenance of the AGTS, including, but not limited to, executing Contracts dated September 1, 1985, December 20, 1988, March 5, 1996 and May 18, 1988; and

**WHEREAS**, the most current Contract between the City and Contractor expired on March 31, 2000; and

**WHEREAS**, notwithstanding, and because of the sole source/proprietary nature of the Contract, the City, by Ordinance Nos. 03-O-1447 and 04-R-1017, adopted by the City Council and approved by the Mayor, extended the Contract on a month to month basis through December 31, 2004, to allow the City sufficient time to enter into and conclude negotiations with the Contractor concerning a new contract for the operation and maintenance of the AGTS; and

**WHEREAS**, the extended Contract expiration date of December 31, 2004, is approaching and the City's Departments of Aviation and Procurement have determined that additional time is necessary to complete discussions and negotiations with the Contractor concerning a new contract; and

**WHEREAS**, because of previous determinations by the City that the AGTS is a sole source/proprietary system and is critical to the efficient, effective and continuous transportation of passengers within the CPTC, and the determination by the City's Departments of Aviation and Procurement that additional time is needed to negotiate



with the Contractor, the City now desires to further extend the Contract on a month-to-month basis for an additional two-month period, commencing January 1, 2005, and ending February 28, 2005, so as to permit the City and Contractor n/k/a Bombardier, Inc. ("Bombardier") to continue negotiations for a replacement contract; and

**WHEREAS**, the Aviation General Manager has assembled an eight-member negotiations team who have been working diligently on completing the negotiation process. Based on a draft requirements document and technical specifications developed by the negotiating team, a request has been made of Bombardier to provide fee proposals; and

**WHEREAS**, the negotiating team anticipates that Bombardier's review and analysis of the requirements document and technical specifications will lead to a fee proposal. Therefore, the Aviation General Manager anticipates that continuing negotiations thereafter will involve both the fee proposal and the finalization of an agreement upon the requirements document and technical specifications; and

**WHEREAS**, Bombardier, Inc. is willing to perform the maintenance and operation of the AGTS during the two-month extension period under the same terms and conditions set forth in its most current, expired Contract; and

**WHEREAS**, the Aviation General Manager and the Chief Procurement Officer have recommended that the City extend the Contract with Bombardier for the continued operation and maintenance of the AGTS at Hartsfield-Jackson Atlanta International Airport, on a month-to-month basis, for a period of two months, commencing January 1, 2005, and continuing through and including February 28, 2005, to allow the City and Bombardier to negotiate a replacement contract.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:**

**SECTION 1:** The Contract between the City and Bombardier is extended on a month to month basis for a two-month term, commencing January 1, 2005, and continuing through and including February 28, 2005, to allow the continued operation and maintenance of the AGTS at Hartsfield-Jackson Atlanta International Airport for an amount not to exceed \$1,667,000.00, to be paid from Account No. 2H01 523001 R49001 (Airport Revenue Fund), until a new contract for the operation and maintenance of the AGTS becomes effective.

**SECTION 2:** The Chief Financial Officer is authorized to remit payment to Bombardier for services rendered under the extended Contract in accordance with its payment terms.

**SECTION 3:** The Mayor is authorized, on behalf of the City, to take any other and further action and to execute, acknowledge, accept and/or deliver any other and further instruments, documents and assurances as deemed desirable and appropriate to consummate the transactions authorized by this Ordinance and to effectuate this Ordinance.

**SECTION 4:** All ordinances in conflict with this Ordinance, including, but not limited to, Code Sections 2-1189, 2-1193, 2-1205 and 2-1206, are waived.

A true copy,

*Shanda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

Jan 03, 2005  
Jan 10, 2005

RCS# 6370  
1/03/05  
2:00 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 2-15

ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 6  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

(Do Not Write Above This Line) **04-0-2138**

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**ADOPTED BY**

JAN 03 2005

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

Date Referred 12/6/2004

Referred To: transportation

Date Referred

Referred To:

Date Referred

First Reading  
 Committee TRANSPORTATION  
 Date 12/15/04  
 Chair John H. ...  
 Referred To TRANSPORTATION

Committee TRANSPORTATION  
 Date 12/15/04  
 Chair John H. ...  
 Action Fav  
 Fav, Adv, Hold (see rev. side)  
 Other

Members  
Ray ...  
...  
...

Refer To

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

Refer To

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

CERTIFIED

CERTIFIED  
 JAN 03 2005

CERTIFIED  
 JAN 03 2005

MAYOR'S ACTION

...  
 MAYOR  
 JAN 10 2005

MAYOR