

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

07-O-1003

AN ORDINANCE TO AMEND ORDINANCE 06-O-0381, WHICH AMENDS CHAPTER 2, ARTICLE III, SEC. 2-176, ARTICLE V, SEC. 252 AND CHAPTER 2, ARTICLE X, DIVISIONS 1 THROUGH 8 AND DIVISIONS 14 THROUGH 16 OF THE CITY OF ATLANTA PROCUREMENT CODE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council adopted Ordinance 06-O-0381 on January 16, 2007 and the Mayor approved the same on January 22, 2007, amending the City of Atlanta Procurement Code (the "Procurement Code"); and

WHEREAS, Ordinance 06-O-0381 amends the Procurement Code to provide more efficient and effective standards and procedures to better manage the City's procurement process; and

WHEREAS, discussion of proposed amendments to the Charter of the City of Atlanta (the "Charter") and the Procurement Code indicated that implementation of certain provisions of the Procurement Code that increase monetary limits should be deferred until the successful completion and implementation of the City's Enterprise Resource Planning initiative ("ERP"), with the implementation of amendments to the Charter and Procurement Code to take place three months after later; and

WHEREAS, the specific sections of the amended Procurement Code affected by the new monetary limits are sec. 2-1140 (Signing contracts on behalf of mayor), sec. 2-1190 (Small Purchases), sec. 2-1191.1 (Special Procurements), sec. 2-1196 (Bid Security for non-construction contracts), sec. 2-1197 (Performance and payment bonds for non-construction contracts), sec. 2-1201 (Cost or Pricing data), sec. 2-1269 (Bid security for construction contracts), sec. 2-1270 (Contract payment and performance bonds for construction contracts), and sec. 2-1608 (Council authorization required); and

WHEREAS, the implementation of ERP was scheduled for July 1, 2007; and

WHEREAS, Ordinance 06-O-0380 amended Article 3, Chapter 1, Section 3-104 (14) of the Charter so as to adjust the limitations upon the Mayor's procurement authority from \$100,000.00 to \$300,000.00; amended Article 6, Chapter 4, Section 6-402, so as to adjust the limitations on the Mayor's small purchase authority from \$20,000.00 to \$50,000.00 and to adjust the threshold requirement for approval of competitively procured contracts by the City Council of Atlanta from \$100,000.00 to \$300,000.00; and

WHEREAS, Section 4 of Ordinance 06-O-0380 provided that the ordinance would have an effective date of September 30, 2007; and

WHEREAS, Ordinance 06-O-0381 amended the Procurement Code by adding section 2-1113, which provided an effective date of September 30, 2007 for the increased monetary limits set forth in the Charter amendment; and

WHEREAS, after an audit of activities related to ERP, it was determined that ERP will not meet the July 1, 2007 implementation target; and

WHEREAS, before implementation of ERP can be completed, an independent assessment the status of the initiative must be conducted and recommendations reported; and

WHEREAS, a new implementation date has not yet been determined; and

WHEREAS, implementation of the aforementioned amendments to the Charter and Procurement Code should occur after implementation of ERP.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA , HEREBY ORDAINS as follows:

Section One: That Ordinance 06-O-0381, section 2-1113, which reads:

Sec. 2-1113. Monetary Limits; Effective Date.

To the extent that any monetary limits in this Article specifically relate to monetary limits set forth in the City's Charter to become effective on September 30, 2007, such monetary limits will also become effective on September 30, 2007. Prior to such date, the previous monetary limits in this Article will apply.

be amended to read as follows:

Sec. 2-1113. Monetary Limits; Effective Date.

To the extent that any monetary limits in this Article specifically relate to monetary limits set forth in Article 3, Chapter 1, Sec. 3-104(14), and Article 6, Chapter 4, Section 6-402 of the City's Charter, to become effective on September 30, 2008, such monetary limits in this Article will also become effective on September 30, 2008. Prior to such date, the previous monetary limits in this Article will apply.

Section Two: That Ordinance 07-O-0678 is hereby repealed.

Section Three: That this Ordinance shall be effective immediately upon adoption by the Mayor.