

**AN ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH ING FINANCIAL ADVISERS, FOR FC-7339-01, DEFINED CONTRIBUTION PLAN, ON BEHALF OF THE DEPARTMENT OF FINANCE, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00); ALL EXPENSES SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1A01 (GENERAL FUND) 524009 (FINANCIAL MANAGERS CONSULTANTS) J81701 (PENSION ADMINISTRATION); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an Agreement with ING Aetna Financial Services ("ING"), for FC-7339-01, Defined Contribution Plan, effective January 4, 2002, pursuant to Resolution 01-R-2028; and

WHEREAS, pursuant to the Agreement, ING would provide services to the City effective July 1, 2001 through December 31, 2001; January 1, 2002 through December 31, 2002; and January 1, 2003 through December 31, 2003; and

WHEREAS, the Agreement provided for three (3) one-year renewal options at the sole discretion of the City; and

WHEREAS, Resolution 05-R-0097 authorizing Renewal Agreement No. 1 was adopted by the Atlanta City Council on June 6, 2005 and approved by the Mayor on June 14, 2005, after the expiration of the original contract; and

WHEREAS, Resolutions 06-R-0686 and 07-R-0592 purported to authorize Renewal Agreements 2 and 3, however said renewals were invalid due to the expiration of the contract; and

WHEREAS, ING has continued to provide services to the City under the expired contract; and

WHEREAS, the services provided by ING need to continue until the City successfully awards a new contract under its pending procurement, to ensure the continued provision of vital services to the City; and

WHEREAS, the City desires to ratify the prior provision of services by ING under the expired contract and Renewal Agreements 1 and 2; and

WHEREAS, the Chief Financial Officer of the Department of Finance and the Chief Procurement Officer of the Department of Procurement recommend the execution of an

Agreement with ING, for consulting services for the City's Defined Contribution Plan, in an amount not to exceed Fifty Thousand Dollars and No Cents (\$50,000.00) to be charged to and paid from Fund Account and Center number 1A01 (General Fund) 524009 (Financial Managers Consultants) J81701 (Pension Administration).

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

SECTION 1: That the City of Atlanta's actions in accepting and paying for services provided by ING Financial Advisers, LLC, under the expired contract and Renewal Agreements 1 and 2 are ratified and confirmed.

SECTION 2: That the Mayor or her designee is authorized to execute an Agreement with ING Financial Advisers, LLC, for consulting services for the City of Atlanta's Defined Contribution Plan, pursuant to the terms and conditions of the Agreement authorized under Resolution 01-R-2028 (with the exception of the compensation terms), in an amount not to exceed Fifty Thousand Dollars and No Cents (\$50,000.00), to be charged to and paid from Fund Account and Center number 1A01 (General Fund) 524009 (Financial Managers Consultants) J81701 (Pension Administration).

SECTION 3: That the term of the Agreement will be for one (1) year.

SECTION 4: That the Chief Procurement Officer is directed to prepare an appropriate Agreement for execution by the Mayor.

SECTION 5: That the Agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to ING.

SECTION 6: That Chapter 2, Article X, Division 4, Section 2-1187 of the City of Atlanta's Code of Ordinances is hereby waived to the extent that such applies to the authorization of the Agreement.

SECTION 7: That all Ordinances or parts of Ordinances in conflict with this Ordinance are waived for this instance only.

Legislation White Paper

To: FINANCE/EXECUTIVE COMMITTEE

Caption

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH ING FINANCIAL ADVISERS, FOR FC-7339-01, DEFINED CONTRIBUTION PLAN, ON BEHALF OF THE DEPARTMENT OF FINANCE, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00); ALL EXPENSES SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1A01 (GENERAL FUND) 524009 (FINANCIAL MANAGERS CONSULTANTS) J81701 (PENSION ADMINISTRATION); AND FOR OTHER PURPOSES.

Council Meeting Date: November 5, 2007

Legislation Title: Ordinance Authorizing the City of Atlanta to waive the Competitive P Procurement Provisions contained in Article X, Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances.

Requesting Dept.: Department of Finance

Contract Type: Employee Benefits

Source Selection: N/A

Justification Statement: That Chapter 2, Article X, Division 4 of the City of Atlanta's Code of Ordinances is hereby waived to the extent that such applies to the authorization of the Agreement.

Background: Resolution 05-R-0097 authorizing the Renewal Agreement No. 1 was adopted by the Atlanta City Council on June 6, 2005 and approved by the Mayor on June 14, 2005, after the expiration of the original contract; and Resolutions 06-R-0686 and 07-R-0592 purported to authorize Renewal Agreements 2 and 3, however said renewals were invalid due to the expiration of the contract.

Fund Account Center:

Fiscal Impact:

Term of Contract: One (1) year.

Method of Cost Recovery: Not applicable

Prepared By:

Elsa D. Castro, Contracting Officer
Contact: 404-330-6426

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: LaShawn Gardiner

Contact Number: 404-330-6449

Originating Department: Department of Finance

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: October 8, 2007

Anticipated Committee Meeting Date(s): October 30-31, 2007

Anticipated Full Council Date: November 5, 2007

Legislative Counsel's Signature: [Signature]

Commissioner Signature: Janice D. Davis by E Ramirez

Chief Procurement Officer Signature: [Signature]

CAPTION

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FINANCIAL IMPACT (if any): \$50,000.00

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 10/23/07 [Signature]
(date)

Reviewed by: 10/23/07 [Signature]
(date)

Submitted to Council: _____
(date)

RCS# 1584
11/19/07
5:55 PM

Atlanta City Council

REGULAR SESSION

CONSENT

EXCEPT 07-O-2422

ADOPT

YEAS: 10
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 2
ABSENT 1

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

CONSENT