

A. West *John M. Soper*

Felicia A. Moore 08-O-0818

A CHARTER AMENDING ORDINANCE
BY: COUNCILMEMBER FELICIA A. MOORE

John Soper
Cleta Henslow

Ray Norwood
Hal Sims
Walter A. ...

K. ...
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AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE MUNICIPAL HOME RULE ACT OF 1965(GA Laws 1965, P. 298, et. seq.) AS AMENDED TO AMEND PART 1, SUBPART A, ARTICLE VI, CHAPTER 3, SECTION 6-304 OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA Laws 1996, P 4469, et. seq.) APPROVED APRIL 15, 1996, AS AMENDED, BY AMENDING ARTICLE 3, CHAPTER 1, SECTION 3104 (14) SO AS TO ADJUST THE LIMITATIONS UPON THE MAYOR'S PROCUREMENT AUTHORITY FROM \$300,000.00 TO \$100,000.00; TO AMEND ARTICLE 6, CHAPTER 4, SECTION 6-402, SO AS TO ADJUST THE LIMITATIONS ON THE MAYOR'S SMALL PURCHASE AUTHORITY FROM \$50,000.00 TO \$20,000.00 AND TO ADJUST THE THRESHOLD REQUIREMENT FOR APPROVAL OF COMPETITIVELY PROCURED CONTRACTS BY THE CITY COUNCIL OF ATLANTA FROM \$300,000.00 TO \$100,000.00; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City Council Adopted and the Mayor approved Charter Amendment Ordinance 06-O-0380, (Attachment A) January 2, 2007 and January 9, 2007 respectively; and

WHEREAS, Charter Amendment Ordinance 06-O-0380 sought to increase the limitations of 1) the Mayor's procurement authority from \$100,000.00 to \$300,000.00, 2) the Mayors small purchase authority from \$20,000.00 to \$50,000.00, and 3) 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 Charter Amendment Ordinance 06-O-0380 set the effective date of the changes in the legislation as September 30, 2007; and

WHEREAS, In discussion in the City Council Finance/Executive Committee it was determined that these and other changes to the Procurement Code should be effective after the successful implementation of the City ERP; and

WHEREAS, the City ERP was originally intended to be implemented in June 2007, but was delayed due to development problems; and

WHEREAS, the City ERP was implemented in January 2008; and

WHEREAS, ERP implementation and post production has not eliminated all of the concerns that are associated with the procurement of City supplies, equipment and services; and

WHEREAS, the City is in the midst of a budget crisis; with a decrease in projected revenues and increase in expenses; and

WHEREAS, the City Council desires to maintain a frugal manner in which City funds are expended; and

WHEREAS, increasing the procurement authority of the Mayor, the Mayor's small purchase authority and the threshold requirement for approval of competitively procured contracts by the City Council would increase the possibility of additional budget encumbrances without Council oversight; and

WHEREAS, the City Council desires to maintain the current procurement authority levels and not implement the procurement limits authorized under Charter Amendment Ordinance 06-O-0380

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That Article 3, Chapter 1, Section 3-104 (14) be amended by replacing the "not to exceed \$300,000.00" purchase amount with "not to exceed \$100,000.00".

SECTION 2: That Section 6-402 (a) Purchasing procedures be amended by replacing the "small purchases not exceeding \$50,000.00" purchase amount with "small purchases not exceeding \$20,000.00"

SECTION 3: That Section 6-402 (e) Purchasing procedures be amended by deleting Subsection (e) in its entirety and replacing it with a new Subsection (e) to read "Contractual work related to any competitive sealed bid or proposal shall not be broken into components or parts so as to avoid the council's approval of awards of greater than \$100,000.00"

SECTION 5: That a copy of this proposed amendment to the Charter of the City of Atlanta.

Georgia 1996 Ga. L. (Act No. 1019, p. 4469), *et seq.*, as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia," attached hereto and marked *Exhibit "A"* and made a part of this ordinance, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Exhibit A

"Notice of Proposed **Amendment to the Charter of the City of Atlanta, Georgia**"

Notice is hereby given that an ordinance has been introduced to amend Section 3-104 (14) (**Entitled " Powers and Duties "**) and Sections 6-402 (a) (e) (**Entitled " Purchasing procedures "**) of the Charter of the City of Atlanta, Georgia (1996 Ga. L. (Act No. 1019), p. 4469, *et. seq.*) as amended, so as to adjust the limitations upon the Mayor's procurement authority from \$300,000.00 to \$100,000.00; to amend article 6, chapter 4, section 6-402, so as to adjust the limitations on the Mayor's small purchase authority from \$50,000.00 to \$20,000.00 and to adjust the threshold requirement for approval of competitively procured contracts by the City Council of Atlanta from \$300,000.00 to \$100,000.00.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This _____ day of _____, 2008.

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta

OFFICE OF THE
CITY CLERK
ATLANTA, GEORGIA

06-O- 0380



AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE

AS SUBSTITUTED BY
FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1. ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE 3, CHAPTER 1, SECTION 3-104 (14) SO AS TO ADJUST THE LIMITATIONS UPON THE MAYOR'S PROCUREMENT AUTHORITY FROM \$100,000.00 TO \$300,000.00; TO AMEND 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; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Charter Of The City Of Atlanta, Georgia, 1996 Ga Laws P. 4469, et seq. (hereinafter "the Charter") establishes the Mayor's authority to procure goods and services for the operation and management of the City of Atlanta (hereinafter "the City") and for the benefit of the citizens thereof; and

WHEREAS, the limitations upon the Mayor's procurement authority, as set forth in the Charter, were established in 1977; and

WHEREAS, *ab initio*, the limitations upon the Mayor's procurement authority were set to the economies of scale in 1977, to wit: \$100,000.00; and

WHEREAS, the City has experienced the effects of increased population, economic inflation, rapid changes in technology, and the impact of national security concerns in the twenty-eight years since 1977 - all of which have significantly increased the cost of procuring goods and services for the City; and

WHEREAS, the effect of the aforementioned increased cost of procurement is that the Mayor is unable to procure the same proportional amount of goods and services within his or her procurement authority of \$100,000.00; and

WHEREAS, the increasing functional and operational needs of the City's residents and governmental units require adjusting the limitations upon the Mayor's procurement authority from \$100,000.00 to \$300,000.00; and



WHEREAS, the Charter also authorizes alternative selection methods for contracts, including small purchases not exceeding \$20,000.00; and

WHEREAS, the limitation upon the Mayor's authority to execute small purchases was set to the economies of scale in 1977, to wit: \$20,000.00; and

WHEREAS, the aforementioned increased cost of procurement has, similarly impacted the Mayor's ability to procure the same proportional amount of goods and services within his or her procurement authority of \$20,000.00 for small purchases; and

WHEREAS, it would be advantageous to the City to adjust the Mayor's procurement authority to greater empower the mayor to fulfill his or her duties to the City; and

WHEREAS, the aforementioned adjustments to the Mayor's procurement authority would require a concurrent amendment to the Charter as it pertains to the threshold requirement for approval of competitively procured contracts by the City Council of Atlanta.

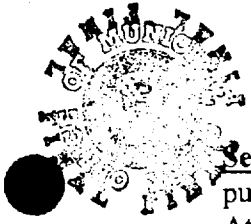
THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, effective September 30, 2007, as follows:

Section 1: That the Mayor's purchasing authority, as set forth in Article 3, Chapter 1, Section 3-104 (14) of the Charter of the City of Atlanta, which reads:

(14) Purchase supplies, material, equipment and personal property of every type and description, and services for the rental, repair, or maintenance of equipment, machinery, and other city-owned property; provided, however, the purchase amount does not exceed \$100,000.00, such purchases conform with the provisions within Chapter 4 of Article 6 herein and any purchasing and procurement ordinances of the city, and a duly enacted appropriation by the council authorizes expenditures for such purposes. Any award of contract not competitively procured in accordance with the Charter or ordinances of the city, or not awarded to the lowest bidder or offeror, shall be approved by the city council prior to an award;

be hereby amended to read as follows:

(14) Purchase supplies, material, equipment and personal property of every type and description, and services for the rental, repair, or maintenance of equipment, machinery, and other city-owned property; provided, however, the purchase amount does not exceed \$300,000.00, such purchases conform with the provisions within Chapter 4 of Article 6 herein and any purchasing and procurement ordinances of the city, and a duly enacted appropriation by the council authorizes expenditures for such purposes. Any award of contract not competitively procured in accordance with the Charter or ordinances of the city, or not awarded to the lowest bidder or offeror, shall be approved by the city council prior to an award;



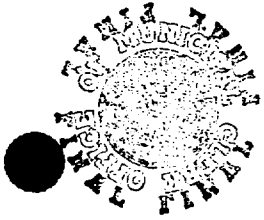
Section 2: That the limitation upon the Mayor's authority to enter into contracts for small purchases as set forth in Article 6, Chapter 4, Section 6-402 (a) of the Charter of the City of Atlanta, which reads:

(a) The governing body shall prescribe by ordinance or resolution the procedures for all purchases of real and personal property by the city. The following alternative methods of securing contracts are hereby authorized, as set forth in and defined by ordinances currently effective or hereafter adopted or amended by the city council: competitive sealed bidding; competitive sealed proposals; small purchases not exceeding \$20,000.00; sole-source procurement; emergency procurement; and competitive selection procedures for professional and consultant services. Awards of contracts shall be made to the most responsible and responsive firms, said responsible and responsiveness to be determined by factors including those set forth in subsection (b) below, including but not limited to compliance with the requirements of any existing minority and female business opportunity development plans and any local preference program as established by City ordinance. The terms "competitive bidding" and "most responsible and responsive firm" shall be defined to include compliance with the requirements of any minority and female business participation plan which has been implemented by city ordinance pursuant to:

- (1) A finding by the city that such a plan is necessary to remedy the effects of prior private and public discrimination in the procurement and contracting practices of the city;
- (2) A requirement by federal law that the city maintain such a plan for purposes of receiving any federal grants or loans;
- (3) A finding by a judicial tribunal that such a plan is necessary to remedy past or present private and public discrimination in the procurement and contracting procedures of the city.

be hereby amended to read as follows:

(a) **The governing body shall prescribe by ordinance or resolution the procedures for all purchases of real and personal property by the city. The following alternative methods of securing contracts are hereby authorized, as set forth in and defined by ordinances currently effective or hereafter adopted or amended by the city council: competitive sealed bidding; competitive sealed proposals; small purchases not exceeding \$50,000.00; sole-source procurement; emergency procurement; and competitive selection procedures for professional and consultant services. Awards of contracts shall be made to the most responsible and responsive firms, said responsible and responsiveness to be determined by factors including those set forth in subsection (b) below, including but not limited to compliance with the requirements of any existing minority and female business opportunity development plans and any local preference program as established by City ordinance. The terms "competitive bidding" and "most responsible and responsive firm" shall be defined to include compliance**



with the requirements of any minority and female business participation plan which has been implemented by city ordinance pursuant to:

- (1) A finding by the city that such a plan is necessary to remedy the effects of prior private and public discrimination in the procurement and contracting practices of the city;
- (2) A requirement by federal law that the city maintain such a plan for purposes of receiving any federal grants or loans;
- (3) A finding by a judicial tribunal that such a plan is necessary to remedy past or present private and public discrimination in the procurement and contracting procedures of the city.

Section 3: That the threshold requirement for approval of competitively procured contracts by the City Council of Atlanta, as set forth in Article 6, Chapter 4, Section 6-402 (e) of the Charter of the City of Atlanta, which reads:

- (e) Contractual work related to any competitive sealed bid or proposal shall not be broken into components or parts so as to avoid the council's approval of awards of greater than \$100,000.00.

be hereby amended to read as follows:

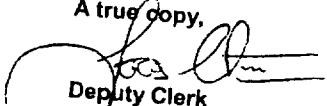
- (e) Contractual work related to any competitive sealed bid or proposal shall not be broken into components or parts so as to avoid the council's approval of awards of greater than \$300,000.00.

Section 4: That this ordinance shall have an effective date of September 30, 2007.

Section 5: That a copy of this proposed amendment to the Charter of the City of Atlanta, Georgia 1996 Ga. L. (Act No. 1019, p. 4469), et seq. as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia," attached hereto and marked Exhibit "A" and made a part of this ordinance, be published in _____ the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta.

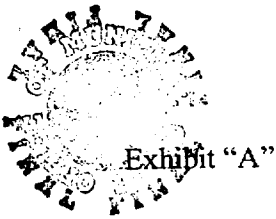
Section 6: That all ordinances and parts of ordinances in conflict herewith are hereby

A true copy,


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

JAN 02, 2007
JAN 09, 2007



"Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia"

Notice is hereby given that an ordinance has been introduced to amend Section 3-104 (Entitled "Powers and Duties") and Section 6-402 (Entitled "Purchasing Procedures") of the Charter of the City of Atlanta, Georgia (1996 Ga. L. (Act No. 1019), p. 4469, et. seq.) as amended, so as to adjust the Limitations Upon the Mayor's Procurement Authority from \$100,000.00 to \$300,000.00; to adjust the Limitations on the Mayor's Small Purchase Authority; to adjust the Threshold Requirement for Approval of Competitively Procured Contracts by the City Council of Atlanta; and for other purposes.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This day of _____, 2006.

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta