

AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, ALLOWING THE CITY TO CONTRACTUALLY EXERCISE ITS RENEWAL OPTIONS ON AN EXPIRED CONTRACT AS RENEWAL OPTION NO. 2 FOR THE AGREEMENT WITH TAG GRINDING SERVICES INC., FOR FC-6005007900, ANNUAL CONTRACT FOR YARD TRIMMINGS PROGRAM ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FDOA: 1001 (GENERAL FUND) 130213 (DPW RECYCLING & COLLECTIONS) 5212001 (CONSULTING/PROFESSIONAL SERVICES); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") did enter into an agreement with Tag Grinding Services, Inc., for FC-6005007900; Annual Contract for Yard Trimmings Program; and

WHEREAS, the Yard Trimmings Program assists the City in achieving State waste reduction goals of 25% and serves as a method of waste stream diversion that will enable the City to comply with the act; and

WHEREAS, the base term of the agreement was for one (1) year with four (4) one (1) year renewal options at the sole discretion of the City effective July 15, 2005 to July 14, 2006; and

WHEREAS, the Chief Procurement Officer authorized a ninety (90) day extension on July 13, 2006 giving the base term a new expiration date of October 13, 2006; and

WHEREAS, Renewal Agreement No. 1 was adopted by City Council on September 5, 2006 and approved by the Mayor on September 13, 2006 pursuant to resolution 06-R-1907; and

WHEREAS, the City did enter into an Original Agreement, FC-6005007900, Annual Contract for Yard Trimmings Program with Tag Grinding Services, Inc., on July 15, 2005 for an erroneous period of four months months; and

WHEREAS, this Renewal Agreement No. 2 is necessary to redefine the original Agreement term for One Hundred Twenty (120) days to reflect the intent of the parties; and

WHEREAS, the commencement of Renewal Option No.2 as of February 1, 2008 is essential to the Department of Public Works' ability to meet its continued obligation to provide Yard Trimmings pickup throughout the City; and

WHEREAS, it is estimated that Three Hundred Thousand dollars and no cents (\$300,000.00) is the amount of funding required to fund this contract through the end of this fiscal year (June 30, 2008) ; and

WHEREAS, the Commissioner of Public Works has recommended that the City waive The Competitive Procurement Provisions Contained In Article X Of The Procurement And Real Estate Code Of The City Of Atlanta Code Of Ordinances, in order to exercise its renewal option

No. 2 with Tag Grinding Services, Inc., for Annual Contract for Yard Trimmings Program for a period of one (1) year, with an effective date of February 1, 2008.

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

SECTION 1: That the Mayor is authorized to execute Renewal Agreement No. 2 with Tag Grinding Services, Inc for 6005007900, Annual Contract for Yard Trimmings Program in an amount not to exceed Three Hundred Thousand dollars and no cents.

SECTION 2: Section 2-1206 is waived to allow the City to contractually exercise its renewal options on an expired contract as Renewal Option No. 2, with Tag Grinding Services, Inc.

SECTION 3: That the Renewal No. 2 will have an effective term of February 1, 2008 to January 31, 2009 allowing for the continued services needed for the Yard Trimmings Program.

SECTION 4: That the Chief Procurement Officer is directed to prepare an appropriate Renewal Agreement No. 2 for execution by the Mayor.

SECTION 5: That Renewal Agreement No. 2 shall have the original contract conditions incorporating all amendments passed by Council and signed by the Mayor and are specifically incorporated by reference herein, including remaining options for renewals as stated in the original contract agreement.

SECTION 6: 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 transaction authorized by this Ordinance and to effectuate the terms, purposes and intent of this Ordinance.

SECTION 7: That Renewal Agreement No. 2 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 Tag Grinding Services, Inc.

SECTION 8: All ordinances in conflict with this Ordinance, including, but not limited to, Code Sections 2-1205 and 2-1206.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Part I: Legislative Request Form:

Instructions: Please answer all questions fully before submitting. Attach additional pages if necessary. All requests for legislation must have approval of a manager prior to submission. All incomplete requests will be returned. Send request via electronic mail to Legislative Counsel. No hard copies will be accepted. Please refer to attached deadlines for the relevant Chief of Staff submission guidelines.

1. Legislation Name/Project Name:

2. What is the purpose of this legislation? (check one)

- Accept a grant or donation [If so, is a matching grant required?] Yes No
- Amend budget
- Amend Code of Ordinances
- Amend Contract
- Anticipate funds
- Appropriate funds
- Apply for a grant or donation
- Authorize/renew Contract
- Fines/penalties
- Human Resources related
- Make a purchase
- New project
- Procuring goods
- Procuring services
- Other, please explain

If this legislation is to award/amend/renew a contract, please provide the following:

Expiration date of contract: 2/1/2008

Contract Term (months/yr): One (1) year w/ 4 one (1) year renewal options

3. Can the purpose of this legislative request be accomplished administratively?

- Yes No I Don't Know

4. Please explain and estimate any financial impact on the City or your Department.

Will there be a fee or charge assessed by the City?

- If so, how much?
- How was the fee or charge determined?
- Will revenue be generated for the City?

Please remember to contact Human Resources if this request involves personnel changes (ex. Reclassification, New Hires, Termination, etc.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

5. If there has been previous or similar legislation, please describe and cite the relevant legislation (e.g., 04-R-0001). 05-O-2276
6. Is this a computer/technology purchase? Yes No
If so, please forward ISR (Information System Hardware/Software Request) along with a copy of this Legislative Request Form via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

Please forward any additional pertinent or supporting documents (e.g. contracts, exhibits, requisitions, copies of any old ordinances/resolutions pertaining to this issue, etc.) along with a copy of this Legislative Request Form and legislative white paper via email to legislative_counsel or via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to authorize renewal no. 2 with Tag Grinding Services, Inc to allow for the City to Continue Yard Trimming Services.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

Yard Trimming services are a part of the Solid Waste Division. These services are a necessity as the Yard Trimmings are picked up by the City on a daily basis and disposed of by the Contractor. These services are vital to the clean up effort of the division and is the only option available to the citizens for yard trimmings.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): Professional Services

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: 6002

Originating Department: Public Works

Committee(s) of Purview: Finance Executive

Chief of Staff Deadline: April 30, 2008

Anticipated Committee Meeting Date(s): May 13-14, 2008

Anticipated Full Council Date: May 19, 2008

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

CAPTION

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FINANCIAL IMPACT (if any) \$300,000.00

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: AME 5/1/08 Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)