

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A REVENUE GENERATING CONTRACTUAL AGREEMENT WITH PROOF OF THE PUDDING BY MGR INC. FOR CONCESSIONS AND CATERING AT THE ATLANTA BOISFEUILLET JONES ATLANTA CIVIC CENTER, WHERE SUCH REVENUE SHALL BE DEPOSITED INTO FUND 5581 DEPARTMENT 000002 ACCOUNT 3890003 (CIVIC CENTER REVENUE FUND/FOOD DRINK AND NOTIONS); AND FOR OTHER PURPOSES.

WHEREAS, the Boisfeuillet Jones Atlanta Civic Center (“Civic Center”) is an enterprise fund that generates revenue through sale of concessions and catering; and

WHEREAS, Civic Center catering and concessions have been provided by American Food Management, Inc. (“AFM”) pursuant to a contract with the City entered September 1, 2004. This contract had a three year term with two one-year renewal options; and

WHEREAS, in August 2008, the City notified AFM that it was in default of its agreement with the City for failure to pay rent for March, April, May and June of 2008, totaling \$12,000, plus failure to pay rent of \$35,598.38 from 2007; and

WHEREAS, as of August 28, 2008, AFM has failed to cure the default, and has not paid any portion of the past rent due; and

WHEREAS, the City has decided not to renew its agreement with AFM, but has extended AFM’s agreement with the City such that the termination date is October 10, 2008; and

WHEREAS, the City, by and through the Civic Center, desires to enter into a Cooperative Purchasing Agreement with Proof of the Pudding by MGR, Inc. (“Proof”) for the purpose of receiving concessions and catering services at the Civic Center; and

WHEREAS, the Cooperative Purchasing Agreement is based upon a contract between the Gwinnett Convention and Visitors Bureau, Inc. and Proof for catering and concession services at the Gwinnett County Civic and Cultural Center and Arena; and

WHEREAS, the Gwinnett Convention and Visitors Bureau, Inc. is a public procurement unit, as defined section 2-1601 of the Procurement and Real Estate Code of the City of Atlanta. Atlanta Code sections 2-1602 and 2-1604 authorize Cooperative Purchasing Agreements between governmental agencies and public procurement units; and

WHEREAS, the Director of the Civic Center and the Chief Procurement Officer have recommended that a Cooperative Purchasing Agreement be executed between the City and Proof for the provision of concession and catering services at the Civic Center.

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

Section 1: The Mayor or her designee, on behalf of the City, is hereby authorized to enter into a Cooperative Purchasing Agreement with Proof of the Pudding by MGR, Inc. for the purpose of receiving concessions and catering services at the Boisfeuillet Jones Atlanta Civic Center ("Agreement"). The term of the Agreement shall be from October 11, 2008 through January 1, 2013, which is the expiration date of the contract between Proof and the Gwinnett Convention and Visitors Bureau, Inc.

Section 2: The City Attorney or her designee is hereby authorized to prepare the Agreement for execution by the Mayor or her designee, and the Agreement shall be approved as to form by the City Attorney or her designee.

Section 3: The Agreement shall not become binding on the City, and the City shall incur no liability upon the same until the Agreement has been executed by the Mayor or her designee and delivered to Proof.

Section 4: All revenue generated pursuant to the Agreement shall be deposited into Fund 5581 Department 000002 Account 3890003 (Civic Center Revenue Fund/ Food Drink and Notions).

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: Finance/ Executive Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A REVENUE GENERATING CONTRACTUAL AGREEMENT WITH PROOF OF THE PUDDING BY MGR INC. FOR CONCESSIONS AND CATERING AT THE ATLANTA BOISFEUILLET JONES ATLANTA CIVIC CENTER, WHERE SUCH REVENUE SHALL BE DEPOSITED INTO FUND 5581 DEPARTMENT 000002 ACCOUNT 3890003 (CIVIC CENTER REVENUE FUND/FOOD DRINK AND NOTIONS); AND FOR OTHER PURPOSES.

Council Meeting Date: September 15, 2008

Requesting Dept.: Parks, Recreation and Cultural Affairs

B. To be completed by the department:

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

The purpose of this legislation is to authorize the mayor to enter into a revenue generating agreement with Proof of the Pudding by MGR Inc. for concessions and catering at the Atlanta Boisfeuillet Jones Civic Center.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

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

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract: Permanent (easement)

4. Fund Account Center: FUND 5581 DEPARTMENT 000002 ACCOUNT 3890003
(CIVIC CENTER REVENUE FUND/ FOOD DRINK AND NOTIONS).

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Debra. F. Harris

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris

Contact Number: (404) 817-6795

Originating Department: Parks, Recreation, and Cultural Affairs

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: August 27, 2008

Anticipated Committee Meeting Date(s): September 10, 2008

Anticipated Full Council Date: September, 15, 2008

Legislative Counsel's Signature: Robin Shahar *RS*

Commissioner Signature: Dianne Hamell *with express permission by RST*

Chief Procurement Officer Signature: Adrian J. Smith *ADJ*

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A REVENUE GENERATING CONTRACTUAL AGREEMENT WITH PROOF OF THE PUDDING BY MGR INC. FOR CONCESSIONS AND CATERING AT THE ATLANTA BOISFEUILLET JONES ATLANTA CIVIC CENTER, WHERE SUCH REVENUE SHALL BE DEPOSITED INTO FUND 5581 DEPARTMENT 000002 ACCOUNT 3890003 (CIVIC CENTER REVENUE FUND/FOOD DRINK AND NOTIONS); AND FOR OTHER PURPOSES.

Mayor's Staff Only

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

Received by Mayor's Office: 9.9.08 *RS* Reviewed by: *JS*
(date) (date)

Submitted to Council: _____