

CITY-CONTRACTOR AGREEMENT

FINANCIAL COLLECTIONS

Contractor: **Municipal Services Bureau (MSB) Government Services**

Contract No. **FC-4678**

Address: 6505 Airport Blvd.
Suite 100
Austin, TX 78752

Telephone: (512) 323-4231
Facsimile: (512) 371-0776

Contact: Bruce Cummings, Chief Marketing Officer

This Agreement is entered into and is effective this _____ day of _____ 2008, by and between the City of Atlanta (the "**City**"), a Georgia Municipal Corporation and Municipal Services Bureau (MSB) Government Services. ("**Contractor**"), an entity authorized to do business in the State of Georgia and the City.

BACKGROUND

The City of Atlanta is seeking the services of qualified financial collection agencies to assist in the collection of delinquent account receivables for the City. The City at its discretion may assign a portion of its delinquent account receivable as deemed necessary. The delinquent account receivables may include: water and wastewater charges, business taxes, solid waste charges, parks and recreation fees, aviation fees, special assessments, traffic and parking fines, and all other governmental and enterprise fund account receivables. The Contractor is responsible for ensuring that the process of collection, ("**Program**") meets the standards set forth by Georgia State law and the Federal Fair Debt Collection Practices Act.

The City solicited proposals on behalf of the Department of Finance ("**Finance**") from qualified firms ("**Proponents**") to assist with collections of delinquent account receivables. Municipal Services Bureau (MSB) Government Services was determined to be the most responsive and responsible proponent responding to the City's solicitation.

Consistent with the terms and conditions of this Agreement, the Contractor will provide the City with the professional services ("**Services**") as fully set forth in Part III Exhibit B, the Scope of Services, which is attached hereto and made a part hereof.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

Contractor and City agree that work specified under this Agreement must be performed by Contractor in accordance with this Agreement, consisting of the following documents as hereafter defined as "Contract Documents":

- I. Contract Agreement;
- II. Exhibit A; General Conditions;
- III. Exhibit B; Scope of Services;
- IV. Exhibit C; Proposal Submittals;
- V. Exhibit D; Cost Proposal;
- VI. Exhibit E; Legislation;
- VII. Appendix A; Office of Contract Compliance
- VIII. Appendix B; Insurance/Bonding Requirements;
- IX. Appendix C; Payment and Performance Bond; and
- X. Appendix D; Contractor's Disclosure Forms;

COMPENSATION

Compensation to the Contractor shall be based on Nineteen Point Eight Percent (19.8%) of the principal amount collected. Further service under this Agreement, if desired, will require an amendment to this Agreement by the City.

LEGISLATION

This Agreement is authorized by legislation adopted by the Council of the City and approved by the Mayor of the City attached as Exhibit E, which is attached hereto and made a part of hereof.

TERM

This Agreement is effective as of _____, 2008 for a period of two (2) years with two (2) one (1) year renewal option at the sole discretion of the City.

This Agreement embodies the entire Agreement between the City and the Contractor and supersedes all other writings, statements and representations. The parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding not contained in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as attested, and witnessed and their corporate seals to be hereunto affixed as of the day and year date first above written.

**OWNER:
CITY OF ATLANTA**

**CONTRACTOR: MUNICIPAL SERVICES
BUREAU (MSB) GOVERNMENT
SERVICES**

MAYOR

PRESIDENT/VICE PRESIDENT

ATTEST:

ATTEST:

MUNICIPAL CLERK (SEAL)

**SECRETARY/ASST. SECRETARY
(AFFIX SEAL)**

RECOMMENDED:

**NOTARY PUBLIC (if not a Corporation)
(AFFIX SEAL)**

DEPARTMENT OF FINANCE

APPROVED:

CHIEF PROCUREMENT OFFICER

APPROVED TO FORM:

CITY ATTORNEY

A SUBSTITUTE RESOLUTION

BY: FINANCE EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH MSB GOVERNMENT SERVICES TO PROVIDE FINANCIAL COLLECTION SERVICES FOR FC-4678-08, FOR DELINQUENT ACCOUNT RECEIVABLES AT A COMPENSATION RATE OF 19.8% OF PRINCIPAL AMOUNT COLLECTED TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; 7101 (AGENCY FUND) 100501 (DOF REVENUE AND COLLECTIONS) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 1515000 (TREASURY) 202361 (COLLECTION FEE - ACCTS RECEIVABLE); 91468 (AGENCY FUND 9999); 7101 (AGENCY FUND) 170101 (COMMISSIONER OF WATERSHED MGT) 5212001 (CONSULTING/PROFESSIONAL SERVICES); 1320000 (CHIEF EXECUTIVE) 202361 (COLLECTION FEE) 91468 (AGENCY FUND 9999); 7101 (AGENCY FUND) 190191 (JDA MUNICIPAL COURT OPERATIONS) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 2650000 (MUNICIPAL COURTS) 202361 (COLLECTION FEE - ACCTS RECEIVABLE); 91468 (AGENCY FUND 9999); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") did solicit from qualified consulting firms proposals for FC-4678-08, Financial Collection Services, on behalf of the Department of Finance, to assist the City in the collection of delinquent account receivables for the City; and

WHEREAS, in accordance with the guidelines contained in the Procurement Code, the bid for FC-4678-08 was properly awarded to MSB Government Services; and,

WHEREAS, the City, upon recommendations of the Chief Financial Officer and Chief Procurement Officer desires to enter into a two-year-agreement, with an option of two (2) one-year renewals to commence upon the expiration of the initial term of agreement, provided such renewal is approved by Council.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee is hereby authorized to enter into an Agreement with MSB Government Services, to provide financial collection services for FC-4678-08 Financial Collection Services for delinquent account receivables on behalf of the Department of Finance.

BE IT FURTHER RESOLVED, that compensation shall be based on 19.8% of the principal amount collected.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer be and hereby is directed to prepare said Contract for execution by the Mayor, to be approved as to form by the City Attorney.

BE IT FURTHER RESOLVED, that all said services for said contract shall not become binding on the City of Atlanta, and the City of Atlanta shall not incur any liability nor obligation as to said Contract until the same has been signed by the Mayor and delivered to the contracting party.

BE IT FURTHER RESOLVED that funds will be charged as follows: 7101 (Agency Fund) 100501 (DOF Revenue and Collections) 5212001 (Consulting/Professional Services) 1515000 (Treasury) 202361 (Collection Fee-Accts Receivable); 91468 (Agency Fund 9999); 7101 (Agency Fund) 170101 (Commissioner of Watershed Mgt) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive) 202361 (Collection Fee) 91468 (Agency Fund 9999); 7101 (Agency Fund) 190191 (JDA Municipal Court Operations) 5212001 (Consulting/Professional Services) 2650000 (Municipal Courts) 202361 (Collection Fee - Accts Receivable); 91468 (Agency Fund 9999).

BE IT FINALLY RESOLVED that all Resolutions and parts of Resolutions in conflict herewith are waived to the extent of the conflict.

**A RESOLUTION BY
FINANCE EXECUTIVE COMMITTEE**

08-R-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH MSB GOVERNMENT SERVICES TO PROVIDE FINANCIAL COLLECTION SERVICES FOR FC-4678-08, FOR DELINQUENT ACCOUNT RECEIVABLES ON BEHALF OF THE DEPARTMENT OF FINANCE. ALL FUNDS SHALL BE DEPOSITED INTO 5501 (Water and Wastewater Revenue Fund) 170501 (DWM Customer) 5730011 (Vendor Commission Fee) 4410000 (Water Administration), 7101 (Agency Fund) 000002 (Revenue Department) 5212001 (Consulting/Professional Services).

WHEREAS, the City of Atlanta (the "City") did solicit from qualified consulting firms proposals for FC-4678-08, Financial Collection Services, on behalf of the Department of Finance, to assist the City in the collection of delinquent account receivables for the City. The delinquent account receivables include sanitary service charge accounts, special assessments, business licenses, parks and recreation fees, traffic and parking fines, airport charges and other City accounts deemed necessary; and,

WHEREAS, in accordance with the guidelines contained in the Procurement Code, the bid for FC-4678-08 was properly awarded to MSB Government Services; and,

WHEREAS, the City, upon the recommendations of the Chief Financial Officer and Chief Procurement Officer desires to enter into a two-year-agreement, with option of 2 (two) one-year-renewals to commence upon the expiration of the initial term of agreement, provided such renewal is approved by Council.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to enter into an Agreement with MSB Government Services, to provide financial collection services for FC-4678-08 Financial Collection Services for delinquent account receivables on behalf of the Department of Finance.

BE IT FURTHER RESOLVED, that compensation shall be based on 19.8% of the principal amount collected.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer be and hereby is directed to prepare said Contract for execution by the Mayor, to be approved as to form by the City Attorney.

BE IT FURTHER RESOLVED, that all said services for said contract shall not become binding on the City of Atlanta, and the City of Atlanta shall incur no liability nor obligation as to said Contract until the same has been signed by the Mayor and delivered to the contracting party.

BE IT FURTHER RESOLVED, that proceeds from all services of said contracted work shall be deposited into 5501 (Water and Wastewater Revenue Fund) 170501 (DWM Customer) 5730011 (Vendor Commission Fee) 4410000 (Water Administration), 7101 (Agency Fund) 000002 (Revenue Department) 5212001 (Consulting/Professional Services).

CITY OF ATLANTA
DEPT. OF PROCUREMENT



08 JUL 24 AM 9:49

CITY OF ATLANTA

55 TRINITY AVENUE, S. W., SUITE 1350
ATLANTA, GEORGIA 30303-0317
TEL (404) 330-6270 FAX (404) 658-1321

SHIRLEY FRANKLIN
MAYOR

RAY ZIES
ACTING CHIEF FINANCIAL OFFICER

OFFICE OF REVENUE
GARY DONALDSON
Revenue Chief

MEMORANDUM

TO: Adam L. Smith
Chief Procurement Officer

FROM: Ray Zies *Ray Zies*
Acting Chief Financial Officer

RE: FC4678, Financial Collections RFP

DATE: July 24, 2008

The Department of Finance, Office of Revenue team has completed its evaluation for FC-4678 Financial Collections RFP.

Based on the evaluation ranking MSB was determined to be the highest ranked proponent.

Thank you.

Cc: Elsa Castro, Contracting Officer

ERZ/gd

Attachment

PROPOSALS RECEIVED
"RFP"

ELSA CASTRO
CONTRACTING OFFICER

CITY OF ATLANTA
FC-4678 DEPT. OF PROCUREMENT
DATE: JULY 9, 2008
TOTAL NUMBER OF PROPOSERS: 5

PROJECT TITLE: FINANCIAL COLLECTIONS

PROPOSER'S NAME

PROPOSER'S NAME	ADDRESS	CONTACT #S	FAX #S	EMAIL INFO
Alliance One Receivables Management, Inc.	6565 Kimball Drive, Ste 200 Gig Harbor, WA 98335	Maria Wacker Rosendo Guerrero		
LINEBAUER GOGGAN BLAIR + SAMPSON, LLP ATTORNEYS AT LAW (VOLUME 1 + VOLUME 2)		MARK HARRIS		
AMERI COLLECT, LLC	2001 MLK JR. DR. SUITE 309 ATLANTA, GA 30310	JEFF CLEVELAND 678.698-4718		CITY OF ATLANTA DEPT. OF PROCUREMENT 08 JUL -9 PM 1:59
AMD RECOVERIES	5655 PEACHTREE PKWY SUITE 213 NORCROSS, GA 30092	MARK NAKON		
Goldberg Recovery Services				

PROPOSALS RECEIVED
"RFP"

ELSA CASTRO
CONTRACTING OFFICER

CITY OF ATLANTA
DEPT. OF PROCUREMENT
PROJECT TITLE: FINANCIAL COLLECTIONS

FC-4678
DATE: JULY 9, 2008
TOTAL NUMBER OF PROPOSALS: 19

PROPOSER'S NAME	ADDRESS	CONTACT #'S	FAX #'S	EMAIL INFO
MSB Government Services Gila Corp	6505 Airport Blvd Suite 100 Austin, TX 78752	Luz Mendez		
ACS	1800 M St. SW Washington, DC 20036			
Harris + Harris	600 W. Jackson Blvd Chicago, IL 60661			
Penn Credit Corporation	916 S. 14th St. Harrisburg, PA 17104			
Professional Placement Services, LLC. (PPS)	2330 Scenic Hwy South, Ste 110 Snellville, GA 30078	Charles E Kempston, III	877-220-1102	CKempston@paypps.com

CITY OF ATLANTA
DEPT. OF PROCUREMENT
08 JUL -9 PM 1:59

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

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: _____

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

A Resolution authorizing the Mayor or her designee to enter into an agreement with MSB Government Services to provide Financial Collection Services for FC-4678-08, for delinquent account receivables on behalf of the Department of Finance. All funds shall be deposited into 5501 (Water and Wastewater Revenue Fund) 170501 (DWM Customer) 5730011 (Vendor Commission Fee) 4410000 (Water Administration), 7101 (Agency Fund) 000002 (Revenue Department) 5212001 (Consulting/Professional Services).

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

(date)

Received by Mayor's Office: 8/28/08 Am e Reviewed by: 

(date)

(date)

(date)

Submitted to Council: _____

(date)