

**A SUBSTITUE ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

09-O-0778

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE ARTICLE X ("THE PROCUREMENT AND REAL ESTATE CODE") OF THE ATLANTA CITY CODE IN ORDER TO EXERCISE LEASE RENEWAL OPTION NUMBER 1 WITH DELL MARKETING, LP, FOR SERVER CONSOLIDATION SOFTWARE AND SUPPORT SERVICES AND TO RATIFY PRIOR RETENTION OF THE SOFTWARE AND SUPPORT SERVICES SUBJECT TO THE LEASE SINCE JANUARY 20, 2009 ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND THREE HUNDRED THIRTY-FIVE DOLLARS AND NINETY-NINE CENTS (\$90,335.99); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050201 (IT SECURITY) 5424004 (SOFTWARE \$5,000+) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS)AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into a cooperative lease agreement with Dell Marketing, LP ("Dell"), pursuant to Ordinance 08-O-2588 adopted by the Atlanta City Council on September 15, 2008 and approved by the Mayor on September 23, 2008; and

WHEREAS, the term of the lease agreement was for one (1) year with four (4) one-year renewal options; and

WHEREAS, the first year of the lease expired January 19, 2009 and Dell has continued to provide software and support that is necessary for the functions of City after the expiration date; and

WHEREAS, Dell's software and support performance is satisfactory and is needed through January 19, 2013 when the lease ends.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the term of the lease between the City and Dell is authorized for one (1) year with three (3) one-year renewal options, inclusive of the period after the expiration of the first term during which hardware was provided through the adoption of this ordinance and that the cost for this term shall not exceed Ninety Thousand Three Hundred Thirty-Five Dollars and Ninety-Nine Cents (\$90,335.99).

SECTION 2: That the prior provision of Server Consolidation software and support provided by Dell to the City after the expiration of the first term of the lease is ratified

and accepted pursuant to the same terms and conditions of the Agreement authorized under Resolution 08-O-2588

SECTION 3: That all contracted work will be charged to and paid from fund, department, organization and account number 1001 (General Fund) 050201 (IT Security) 5424004 (Software \$5,000+) 1535000 (Data Processing/Management Information Systems).

SECTION 4: That the Chief Procurement Officer is hereby authorized 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 Dell.

SECTION 6: That all ordinances and parts of ordinances in conflict with this ordinance are waived to the extent of the conflict.

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE ARTICLE X (“THE PROCUREMENT AND REAL ESTATE CODE”) OF THE ATLANTA CITY CODE IN ORDER TO EXERCISE LEASE RENEWAL OPTION NUMBER 1 WITH DELL MARKETING, LP, FOR SERVER CONSOLIDATION SOFTWARE AND SUPPORT SERVICES AND TO RATIFY PRIOR RETENTION OF THE SOFTWARE AND PROVISION OF SUPPORT SERVICES SUBJECT TO THE LEASE SINCE JANUARY 20, 2009 ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND, THREE HUNDRED THIRTY-FIVE DOLLARS AND NINETY-NINE CENTS (\$90,335.99); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 1001 (GENERAL FUND) 050201 (IT SECURITY) 5424004 (SOFTWARE \$5,000+) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) entered into a cooperatively procured lease agreement with Dell Marketing, LP (“Dell”), pursuant to Ordinance 08-O-2588, adopted by the Atlanta City Council on September 15, 2008 and approved by the Mayor on September 23, 2008; and

WHEREAS, the term of the lease agreement was for one (1) year with four (4) one-year renewal options; and

WHEREAS, the first year of the lease expired on January 19, 2009 and Dell has continued to provide software and support that is necessary for the information technology functions of the City after the expiration date; and

WHEREAS, the performance of Dell’s software and support is satisfactory and is needed through January 19, 2013 when the lease ends.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the Mayor or her designee is authorized to execute Renewal Number 1 of the lease between the City and Dell for one (1) year inclusive of the period after the expiration of the first term during which software and support was provided through the adoption of this ordinance and that the cost for this term shall not exceed Ninety Thousand, Three Hundred Thirty-Five Dollars and Ninety-Nine Cents (\$90,335.99). Thereafter, the City shall have three (3) one-year renewal options remaining on the lease,

SECTION 2: That all contracted work will be charged to and paid from fund, account and center number 1001 (General Fund) 050201 (IT Security) 5424004 (Software \$5,000+) 1535000 (Data Processing/Management Information Systems).

SECTION 3: That the prior provision of Server Consolidation software and support provided by Dell to the City after the expiration of the first term of the lease is ratified and accepted pursuant to the same terms and conditions of the Agreement authorized under Resolution 08-O-2588.

SECTION 4: SECTION 4: That Article X (“The Procurement and Real Estate Code”) of the Atlanta City Code is waived to the extent that Section 2-1205 requires the adoption of legislation in advance of contract renewals and for the purpose of ratification of previously provided software and services.

SECTION 5: That the Chief Procurement Officer is hereby authorized to prepare an appropriate Agreement for execution by the Mayor.

SECTION 6: 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 Dell.

SECTION 7: That all ordinances and parts of ordinances in conflict with this ordinance are waived to the extent of the conflict.

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

Caption:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE ARTICLE X ("THE PROCUREMENT AND REAL ESTATE CODE") OF THE ATLANTA CITY CODE IN ORDER TO EXERCISE LEASE RENEWAL OPTION NUMBER 1 WITH DELL MARKETING, LP, FOR SERVER CONSOLIDATION SOFTWARE AND SUPPORT SERVICES AND TO RATIFY PRIOR RETENTION OF THE SOFTWARE AND PROVISION OF SUPPORT SERVICES SUBJECT TO THE LEASE SINCE JANUARY 20, 2009 ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND, THREE HUNDRED THIRTY-FIVE DOLLARS AND NINETY-NINE CENTS (\$90,335.99); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 1001 (GENERAL FUND) 050201 (IT SECURITY) 5424004 (SOFTWARE \$5,000+) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) AND FOR OTHER PURPOSES.

Council Meeting Date: May 18, 2009

Requesting Dept.: Information Technology

B. To be completed by the department:

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

DIT would like to execute Renewal Number 1 of the lease between the City and Dell for one (1) year inclusive of the period after the expiration of the first term during which software and support was provided

2. Please provide background information regarding this legislation.

The City of Atlanta ("City") entered into a cooperatively procured lease agreement with Dell Marketing, LP ("Dell"), pursuant to Ordinance 08-O-2588, adopted by the Atlanta City Council on September 15, 2008 and approved by the Mayor on September 23, 2008. The term of the lease agreement was for one (1) year with four (4) one-year renewal options. The first year of the lease expired on January 19, 2009 and Dell has continued to provide software and support that is necessary for the IT functions of the City after the expiration date.

3. If Applicable/Known:

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

(b) **Source Selection:** Cooperative Purchase

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

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:** 12 Months

4. **Fund Account Center:** 1001 (General Fund) 050201 (IT Security) 5424004 (Software \$5,000+) 1535000 (Data Processing/Management Information Systems)

5. **Source of Funds:**

6. **Fiscal Impact:** \$90,335.99

7. **Method of Cost Recovery:**

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst

Dell Marketing, L.P

SCHEDULE A (EQUIPMENT)

This Schedule A is executed under, and incorporates all of, the terms and conditions of that Master Lease Agreement dated January 21, 2005, by and between the Lessee named below and Dell Marketing, L.P. ("Lessor"). Lease Commencement Date January 20, 2008.

Lessee: City of Atlanta	Customer PO #:
Mailing Address:	55 Trinity Ave, Ste G700, Atlanta, GA 30303
Equipment Address:	55 Trinity Ave, Ste G700, Atlanta, GA 30303
Federal Tax ID:	Phone: 404-330-6544

Supplier: Dell-SLG	Quantity 1	Equipment Software/Services
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Finance Amount: \$410,618.15

Pay #	Date	Payment	Interest	Principal	Prepayment Balance
1	2/20/2008	\$90,335.99	\$ 1,658.90	\$88,677.09	\$ 331,599.29
2	1/20/2009	\$90,335.99	\$14,599.64	\$75,736.35	\$ 253,590.85
3	1/20/2010	\$90,335.99	\$12,204.87	\$78,131.12	\$ 173,115.80
4	1/20/2011	\$90,335.99	\$ 8,331.75	\$82,004.24	\$ 88,651.43
5	1/20/2012	\$90,335.99	\$ 4,266.64	\$86,069.35	\$ -

Purchase Option

Lessor hereby grants to the above named Lessee, the option to purchase the Equipment ("Option") covered by the aforesaid Lease for:

OPTION PRICE: \$1.00. Lessee may exercise such Option upon the expiration of the term of said Lease (either the original term or any modification or extension there o mutually agreed upon in writing), provided, that, at the time, all rental and other sums payable by the Lessee over the entire term of the Lease have been paid in full and the Lessee is not otherwise in default thereof. Upon receipt of the Option Price, the Lessor will execute and deliver to the Lessee an "as is" bill of sale of said Equipment, at its then location and in its then condition, without any warranty or representation by, or recourse against, the Lessor.

Lessee: City of Atlanta
By: 
Name: DAN SMITH
Title: CIO

Legislation Summary

Committee of Purview:

Caption

An ordinance authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Information Technology with Dell Marketing, LP in an amount not to exceed ninety thousand three hundred thirty five dollars and ninety nine cents (\$90,335.99). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050201 (IT Security), 5424004 (Software \$5000+), 1535000 (Data Processing/Management Information System).

Council Meeting Date: May 18, 2009

Legislation Title: Ordinance authorizing the Chief Procurement Officer to utilize in Pursuant to waive Article X (“The Procurement and Real Estate Code”) of the Atlanta City Code in Order to Exercise Lease Renewal Option Number 1 for the Server Consolidation Software and Support Services and to Ratify Prior Retention of the Software and Provision of Support Services Subject to the lease since January 20, 2009 on behalf of the Department of Information Technology with Dell Marketing, LP in an amount not to exceed ninety thousand three hundred thirty five dollars and ninety nine cents (\$90,335.99). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050201 (IT Security), 5424004 (Software \$5000+), 1535000 (Data Processing/Management Information System).

Requesting Department: Department of Information Technology

Contract Type: N/A

Source Selection: Waive Article X (“The Procurement and Real Estate Code”) of the Atlanta City Code

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids/ Proposals Received:	N/A
Bidders/Proponents:	N/A
Justification Statement:	N/A
Background:	N/A
Fund Account Centers:	1001 (General Fund), 050201 (IT Security), 5424004 (Software \$5000+), 1535000 (Data Processing/Management Information System).
Source of Funds:	N/A
Fiscal Impact:	N/A
Term of Contract:	N/A
Method of Cost Recovery:	N/A
Approval: DOF: DOL:	
Prepared By:	Patricia Lowe, Buyer
Contact Number:	404.330.6583

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-335-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: April 14th, 2009

Anticipated Committee Meeting Date(s): April 28 & May 12, 2009

Anticipated Full Council Date: May 18, 2009

Legislative Counsel's Signature: [Signature]

Commissioner Signature: Michael P. Dogan for D Smith

Chief Procurement Officer Signature: [Signature]

CAPTION

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Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) 4/14/09 (date)

Received by Mayor's Office: _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____