A RESOLUTION
BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THIRTY SEVEN THOUSAND NINETY EIGHT DOLLARS ($1,537,098.00) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

WHEREAS, the City did solicit Bids for Contract No. FC-4943, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters ("Contract"); and

WHEREAS, after reviewing and evaluating the Bids, the Commissioner of the Department of Public Works and the Chief Procurement Officer recommend that the Contract be awarded to Tople Construction, Inc, in an amount not to exceed One Million Five Hundred Thirty Seven Thousand Ninety Eight Dollars ($1,537,098.00); and

WHEREAS, the base term of the Contract will be for a period of two (2) years, with two (2) one (1) year renewal option(s) to be exercised at the sole discretion of the City; and

WHEREAS, the City has determined that it is desirable and in its best interest to make such recommended award.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor is authorized to execute Contract No. FC-4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters with Tople Construction, Inc, on behalf of the Department of Public Works in an amount not to exceed One Million Five Hundred Thirty Seven Thousand Ninety Eight Dollars ($1,537,098.00).

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the multiple Contracts for execution by the Mayor.

BE IT FURTHER RESOLVED, that the Contract will not become binding upon the City, and the City will incur no liability under it until the Contract is approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to Tople Construction, Inc.

BE IT FINALLY RESOLVED, that all contracted work will be charged to and paid from Fund, 7701 (Trust Fund), 7101 (Agency Fund), 3502 (General Government Capital Fund), 3127 (2004 Quality of Life Bond), 3138 (2008 Quality of Life Bond), 2502 (Empowerment Zone) Department Organization 130308 (DPW Transportation Design) 130302 (DPW Traffic Engineering) and Account numbers and PTAEO Funding Source

13101619 115 770191494 5414002 COA, 13110262 101 350291795 5414002 COA, 13102109 102 350291105 5414002 COA, 13101807 102 350291105 5414002 COA, 13102088 103 312721224 5414002 COA, 13102089 104 313821776 5414002 COA, 13101955 101 310931141 5414002 COA, 13101955 101 350291114 5414002 COA, 131***** 101 710191468 5414002 COA, 13102088 104 313821776 5414002 COA, 13102090 108 313821776 5414002 COA, 13102090 103 312721224 5414002 COA, 13102090 109 313821776 5414002 COA, 13102090 111 313821776 5414002 COA, 13110070 101 313821776 5414002 COA, 13110070 102 313821776 5414002 COA_25202698 101 250230904 5239004 COA, 25202698 101 250230904 5414002 COA, 042024228 101 710191468 5730012 COA.

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: City Utilities Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THIRY SEVEN THOUSAND NINETY EIGHT DOLLARS ($1,537,098.00) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

Council Meeting Date: September 21, 2009

Requesting Dept.: Department of Public Works

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 execute multiple contracts with Tople Construction, Inc., to construct sidewalks, driveways, curbs, and gutters.

2. Please provide background information regarding this legislation.

3. <u>If Applicable/Known:</u>

(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:

4. Fund Account Center: Fund, 7701 (Trust Fund), 7101 (Agency Fund), 3502 (General Government Capital Fund), 3127 (2004 Quality of Life Bond), 3138 (2008 Quality of Life Bond), 2502 (Empowerment Zone) Department Organization 130308 (DPW Transportation Design) 130302 (DPW Traffic Engineering) and Account numbers and PTAEO Funding Source 13101619 115 770191494 5414002 COA, 13110262 101 350291795 5414002 COA, 13102109 102 350291105 5414002 COA, 13101807 102 350291105 5414002 COA, 13102088 103 312721224 5414002 COA, 13102089 104 313821776 5414002 COA, 13101955 101 310931141 5414002 COA, 13101955 101 350291114 5414002 COA, 131***** 101 710191468 5414002 COA, 13102088 104 313821776 5414002 COA, 13102090 108 313821776 5414002 COA, 13102090 103 312721224 5414002 COA, 13102090 109 313821776 5414002 COA, 13102090 111 313821776 5414002 COA, 13110070 101 313821776 5414002 COA, 13110070 102 313821776 5414002 COA_25202698 101 250230904 5239004 COA, 25202698 101 250230904 5414002 COA, 042024228 101 710191468 5730012 COA

5. Source of Funds:

6. Fiscal Impact: $1,537,098.00

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Soraya Belgrave

CITY OF ATLANTA
DEPT. OF PROCUREMENT

09 JUN 17 PM 4:37

CITY OF ATLANTA

Shirley Franklin
Mayor

SUITE 1700
55 TRINITY AVENUE, SW
ATLANTA, GA 30303
(404) 330-6010 Fax: (404) 658-7359
Internet Home Page: www.atlantaga.gov

OFFICE OF CONTRACT COMPLIANCE
Hubert Owens
Director
howens@atlantaga.gov

MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer
Department of Procurement

FROM: Hubert Owens, Director
Mayor's Office of Contract Compliance

RE: **Bid Recommendation for FC 4943, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters**

DATE: June 17, 2009

The Office of Contract Compliance has reviewed the seven bidders for minority and female business enterprise participation. Six of the seven bidders have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs, HBEs, and FBEs as indicated below:

Tople Construction & Engineering, Inc.		
KC Trucking	AABE	29%
Dover Staffing	FBE	5%
A&S Paving	FBE	3%
Participation Total		**37%**
Knight and Associates, Inc.		
SD&C, Inc.	AABE	20%
Anatek, Inc.	FBE	8%
R.A. Smith & Co.	AABE	5%
Grier Brothers	AABE	1%
Participation Total		**34%**
SD & C, Inc.		
Knight & Associates	AABE	27%
Marjean Selby Contracting, Inc.	FBE	7%
Dalton Electric	AABE	3%
Participation Total		**37%**

MEMORANDUM

TO: Adam L. Smith
FROM: Hubert Owens
RE: **Bid Recommendation for FC 4943, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters**
DATE: **June 17, 2009**

Precision 2000, Inc.		
TEM Construction	HBE	10%
Rosetone Landscaping, LLC	HBE	10%
Knight & Associates	AABE	10%
Engitek, Inc.	FBE	6%
Participation Total		**36%**
Shaheed's Construction Company, Inc.		
Gantt's Construction Company	AABE	20%
Thrasher Trucking	AABE	8%
C&S Paving, Inc.	FBE	4%
Participation Total		**32%**
Kemi Construction, Inc.		
MST	FBE	3%
The Lion's Group	AABE	20%
P.S. Energy Group	FBE	3%
Participation Total		**26%**
CP Richards Construction		
Cascade Building Systems	AABE	38%
Participation Total		**38%**

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

cc: File
Sean Holloway, DOP

CITY OF ATLANTA
DEPARTMENT OF PROCUREMENT
09 AUG 27 AM 10: 40

CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324
SUITE 4700, CITY HALL - SOUTH
(404) 330-6240
FAX (404) 658-7552
Email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS

Joe Basista
Commissioner

MEMORANDUM FOR AWARD RECOMMENDATION

TO: Adam L. Smith, Chief Procurement Officer
Department of Procurement

FROM: Joe Basista, Commissioner
Department of Public Works

SUBJECT: Award Recommendation - (Revised)
FC-4943 – Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters

DATE: August 27, 2009

PLEASE PREPARE LEGISLATION FOR CYCLE 14

A. SOLICITATION

1. Advertisements
   A public notice advising interested bidders of the Invitation to Bid for FC-4943 - Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters appeared on the City of Atlanta Website from April 21, 2009 to June 4, 2009.

2. Distribution of Invitation to Bid
   Twenty nine (29) interested bidders picked up copies of the solicitation.

3. Pre-Bid Conference
   A non- mandatory pre-bid conference was held April 30, 2009 at 10:00 a.m. Fifteen (15) interested bidders attended the conference.

4. Addendum Issued
   Five (5) addenda were issued.

B. SOURCE OF SOLICITATION

Nine (9) responses to the Invitation to Bid were submitted by the due date and time of June 4, 2009 at 1:59 p.m.

The nine (9) Bidders are:		Base Bid
1.	Knight & Associates, Inc.	NON- RESPONSIVE (Inadequate Bid Bonds)
2.	Tople Construction, Inc.	$ 4,989,860.50
3.	SD&C, Inc.	$ 5,176,977.75
4.	Precision 2000 Inc.	$ 5,898,436.50
5.	Shaheed's Construction, Inc.	NON-RESPONSIVE (Inadequate Bid Bonds)
6.	Kemi Construction, Inc.	$ 7,657,955.00
7.	CP Richards Construction	$ 7, 669,379.50
8.	RDK Construction	NON RESPONSIVE (No Bid Bonds)
9.	Kissberg Construction	NON RESPONSIVE (No Bid Bonds)

C. JUSTIFICATION FOR AWARDS

Due to the magnitude of work and time restraints of funding sources, the bidding documents defined the intent of the Department of Public Works to award more than one contract under this bid. The bidding documents indicated that these contracts may not be identical. The document stated that the Department of Public Works will award work under this contract on a project-by-project basis. Selection will be based on each project's estimated quantities, the contractor's bid, and for subsequent task orders, the contractor's work performance, and the contractor's ability to do the work.

The initial Department recommendation was to award to seven lowest and responsive bidders. After further review by the Department of Procurement, two (2) additional bidders were deemed non-responsive. The Department of Public Works was notified of this bidder status on July 27, 2009.

Based on a review of the FY 2010construction capacity needs within the Department of Public Works, The Department recommends an award of this annual work to the fife responsive contractors.. This multiple award recommendation will provide the Department with the construction capacity as well as the ability to assigned projects based on the lowest unit pricing of specific contractors for specific items of work Based on the revised bidder status and the current construction needs of the Department, DPW submits a revised recommendation, as follows:

1) **Tople Construction, Inc.** - Lowest responsive bidder. Department has recent satisfactory experiences with contractor on sidewalk and streetscape construction projects.
   Task Order Amount, $1,537,098.00

2) **SD&C, Inc**- Second lowest responsive bidder. Department has recent satisfactory experiences with contractor on sidewalk and streetscape construction projects.
   Task Order Amount, $1,509,810.62

3) **Precision 2000, Inc**.- Third lowest responsive bidder. Department has recent satisfactory experiences with contractor on sidewalk, streetscape, and road construction projects.
Task Order Amount, $1,526,681.67

4) **Kemi Construction, Inc**.- Fourth lowest responsive bidder.
Task Order Amount, $601,666.00

5) **CP Richards Construction** – Fifth lowest responsive bidder.
Task Order Amount, $719,044.40

If additional information is needed, please feel free to contact Soraya Belgrave at Ext. 6002.

Attachments: Bid Tabulation Sheet
Requisitions

JJB/sb

cc: Sandra Jennings, P.E., Department of Public Works
Madelyn Grant, Department of Public Works
Femi Fayemi, Department of Public Works
Soraya Belgrave, Department of Public Works
Cathy Martin, Department of Procurement
File

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE **ATTN: GREG PRIDGEON**

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: September 1, 2009

Anticipated Committee Meeting Date(s): September 15, 2009

Anticipated Full Council Date: September 21, 2009

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature:

Chief Procurement Officer Signature:

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THIRTY SEVEN THOUSAND NINETY EIGHT DOLLARS ($1,537,098.00) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: 9/2/09 (date)

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

Submitted to Council: _____