





10-O-0518

ORDINANCE

**AN ORDINANCE TO AUTHORIZE, RATIFY AND APPROVE AN ACCELERATED AND MODIFIED PROCUREMENT PROCESS TO ADDRESS THE EMERGENCY REPAIRS PERFORMED AND AS NEEDED TO RESTORE AND RECONSTRUCT THE R.M. CLAYTON WATER RECLAMATION CENTER AND OTHER WASTE WATER AND WATER FACILITIES IN RESPONSE TO THE SEPTEMBER 2009 FLOOD, AS MAY BE REQUIRED TO MEET FEMA REQUIREMENTS AND TO UTILIZE AS MUCH COMPETITION AS PRACTICABLE FOR EMERGENCY CONTRACTS, PURSUANT TO SECTION 2-1192 OF THE CITY CODE OF ORDINANCES; TO AUTHORIZE SUCH WORK IN AN AMOUNT NOT TO EXCEED SUCH AMOUNTS AUTHORIZED BY THE CHIEF PROCUREMENT OFFICER, PURSUANT TO SECTION 2-1192; TO AUTHORIZE THE COMMISSIONER OF THE DEPARTMENT OF WATERSHED MANAGEMENT OR HIS DESIGNEE TO ADMINISTER AN ACCELERATED AND MODIFIED PROCUREMENT PROCESS FOR FUTURE PROJECTS, PURSUANT TO THE APPROVAL OF THE CHIEF PROCUREMENT OFFICER UNDER 2-1192 OF THE CITY CODE; TO AUTHORIZE THE COMMISSIONER OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE CHIEF PROCUREMENT OFFICER, OR THEIR RESPECTIVE DESIGNEES, TO EXECUTE CONTRACTS ON BEHALF OF THE CITY OF ATLANTA FOR SUCH FUTURE EMERGENCY SERVICES, UPON THE APPROVAL OF THE CITY ATTORNEY AS TO FORM; TO RATIFY AND APPROVE EMERGENCY CONTRACTS ENTERED INTO ON BEHALF OF THE CITY BY THE COMMISSIONER OF THE DEPARTMENT OF WATERSHED MANAGEMENT (AND HIS DESIGNEE) PRIOR TO THE DATE OF THIS ORDINANCE, AS PROCURED ACCORDING TO FEMA REQUIREMENTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") owns and operates a water and wastewater system; and

**WHEREAS**, the City owns and operates the R. M. Clayton Water Reclamation Center ("WRC"); and

**WHEREAS**, on or about September 21, 2009, the City experienced a 500-year, or greater, flood (the "Flood"); and

**WHEREAS**, as part of the Flood, the Chattahoochee River rose twelve feet and inundated the R.M. Clayton WRC, which resulted in the complete shut-down of operations for a matter of days and allowed for only partial operations after the waters receded, which operations remain partially functional and in a state of emergency as a threat to the public health, welfare and safety; and

**WHEREAS**, in following an accelerated and modified competitive procurement process, pursuant to Section 2-1192, the City is assured of being eligible for and obtaining the maximum amount of flood public assistance from FEMA and GEMA ("GEMA") for the damages to R.M. Clayton WRC caused



**WHEREAS**, initial damage estimates to the R.M. Clayton WRC ranged from \$60 million - \$100 million; and

**WHEREAS**, President Obama declared Fulton County a National Disaster Area (or "Major Disaster Area") on September 25, 2009; and

**WHEREAS**, the R.M. Clayton WRC is eligible for certain disaster relief grants from the Federal Emergency Management Agency ("FEMA") and the Georgia Emergency Management Agency ("GEMA") for initial and on-going emergency work and the repair and reconstruction of the facility, including cost reimbursements up to approximately 85% of the repair costs resulting from the Flood; and

**WHEREAS**, the Chief Procurement Officer determined that the damage to the R.M. Clayton WRC and other facilities under the purview of DWM, resulting from the Flood, constituted an emergency under the Section 2-1192 of the City Code; and authorized up to \$55,309,287.00 in expenditures for emergency services, equipment and repairs for the R.M. Clayton WRC and other flood damaged DWM facilities, pursuant to the City Code of Ordinances, Section 2-1192 (said emergency procurement authorization being designated as C- 630); and

**WHEREAS**, additionally, the Atlanta City Council authorized \$23,000,000.00 funding for the R.M. Clayton WRC emergency services, pursuant to Ordinance No. 10-O-0127; and

**WHEREAS**, Section 2-1192 requires that the City obtain emergency services using "as much competition as practicable under the circumstances"; and

**WHEREAS**, FEMA and GEMA allow for public assistance (or grants) to be issued to local governments for certain eligible costs associated with losses as a result of a declared Major Disaster, as the Flood was designated; and

**WHEREAS**, FEMA allows necessary work to alleviate immediate threats of danger to the public and public property to be procured and performed using minimal competitive procurement processes, which is designated as Category B, Emergency Protective Measures, under FEMA regulations; and a large portion of Category B emergency work has been performed and continues to be performed at the R.M. Clayton WRC in order to, for example, minimize public threats from sewerage solids; and

**WHEREAS**, after the immediate danger has subsided (typically within 70 hours of the disaster), FEMA requires that services be procured through some level of competitive processes to ensure that the costs for utility reconstruction services (or "Permanent Work") are "reasonable" under the circumstances. Specifically, the restoration of Utilities, e.g., waste water treatment facilities, falls under FEMA Category F, which requires that all services, equipment and materials be procured through competitive sealed bids, proposals sole sources and include project specific design and engineering, defined scopes of work, and unit prices in accordance with FEMA schedules and project estimates (See FEMA Report 321 and 322; Stafford Act, 42 U.S.C. § 5121, *et seq.*; and 44 C.F.R 206) ("FEMA Requirements"); and



**WHEREAS**, the Department of Watershed Management has identified a specific list of services, equipment and materials that have been performed or is needed to be performed to bring the R.M. Clayton WRC out of its current emergent state and into full operation and compliance with its regulatory permitting requirements, which is specifically described in the attachment to this resolution as Exhibit "A"; and

**WHEREAS**, a portion of the work described in Exhibit "A" falls under Category B, which requires minimal competitive processes under FEMA Requirements; and the remaining portion of the work described in Exhibit "A" falls into FEMA Category F ("Utilities," and "Permanent Work"), which requires all services, equipment and materials to be procured through competitive processes pursuant to the FEMA Requirements in order to qualify for reimbursement, or public assistance, from FEMA; and

**WHEREAS**, the Department of Watershed Management has worked directly with and through FEMA Public Assistance Officers and Coordinators to procure needed services identified in Exhibit "A" through a competitive process that meets the FEMA standards, including engaging in detailed documentation and cost tracking methods for all work performed; and

**WHEREAS**, in compliance with Code Section 2-1192, the services described in Exhibit "A" has been and is being procured through "as much competition as practicable under the circumstances," which has involved an accelerated and modified competitive procurement process, as compared to the City's full procurement process, which takes substantially longer to complete; and

**WHEREAS**, utilizing an accelerated and modified procurement process ensures that all emergency work is procured and performed to restore the R.M. Clayton facility from its current emergent state within the most time and cost efficient manner, while ensuring that as much competitive process is exercised as necessary to meet FEMA Requirements and Section 2-1192; and

**WHEREAS**, it is understood that the public health, safety and welfare remains threatened so long as the R.M. Clayton WRC is operated manually and not fully operational, which necessitates the work described on Exhibit "A" to be performed under an accelerated and modified procurement schedule; and

**WHEREAS**, utilizing an accelerated and modified procurement process to bring the R.M. Clayton WRC into operations within as short period of time as practicable, while meeting FEMA Requirements and City Code:

- reduces substantially increased operational costs as a result of the facility being manually operated and certain treatment processes substantially impaired;
- reduces severe environmental impacts to the Chattahoochee River by ensuring that all discharges of City of Atlanta effluent are within environmental regulatory standards; and
- restores the means to treat sewerage flows into the facility within regulatory requirements and design standards for the facility; and
- reduces risks to the public's health, safety and welfare as a result of sewerage treatment failures and/or impairments; and



**WHEREAS**, in following an accelerated and modified competitive procurement process, pursuant to Section 2-1192, the City is assured of being eligible for and obtaining the maximum amount of flood public assistance from FEMA and GEMA ("GEMA") for the damages to R.M. Clayton WRC caused by the Flood, being up to 85% of the costs to repair the facility; and

**WHEREAS**, the Commissioner of the Department of Watershed Management desires approval of an accelerated and modified competitive process to ratify contracts under previously performed work and to procure such services needed to restore and repair the R.M. Clayton WRC, as identified in Exhibit "A", in an amount not to exceed such amounts authorized by the Chief Procurement Officer, pursuant to and in accordance with FEMA Requirements and Section 2-1192 of the City Code.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS THE FOLLOWING**

**Section 1.** From the date of this Ordinance forward, the Commissioner of the Department of Watershed Management, under the supervision and approval of the Chief Procurement Officer and in consultation with the City Attorney, is authorized to develop and follow an accelerated and modified procurement process to procure those services, equipment and materials marked with an asterisk in Exhibit "A" for the emergency damage repairs of the R.M. Clayton WRC, as a result of the Flood, utilizing as much competition as practicable under the circumstances, in compliance with Section 2-1192 of the City Code, and in compliance with FEMA Requirements ("R.M. Clayton Emergency Work"); and shall be paid for from such funding sources identified or as may be identified for emergency authorization No. C-630 or other emergency authorization issued by the Chief Procurement Officer for R.M. Clayton Emergency Work, pursuant to Section 2-1192 of the City Code.

**Section 2.** All emergency work performed for R.M. Clayton Emergency Work and procured under emergency contracts prior to the date of this Ordinance, as identified in Exhibit "A", utilizing an accelerated and modified procurement process to meet FEMA Requirements are hereby ratified and approved and shall be paid from such funding sources as identified or as may be identified for Emergency Authorization No. C-630.

**Section 3.** For all those services, equipment and materials marked with an asterisk in Exhibit "A" and authorized in Section 1 of this Ordinance, the Chief Procurement Officer, with the advice and approval of the City Attorney as to form, is directed to prepare the appropriate Agreements for execution by the Chief Procurement Officer or Commissioner of the Department of Watershed Management, or their respective designees.

**Section 4.** The accelerated and modified procurement process authorized by this ordinance shall include a tracking methodology for all procurement schedules; identify procurement methodologies used to procure each services; identify the contractor selected for each service; track costs for all contracts and all work, services, equipment and materials performed for the R.M. Clayton Emergency Work; and include and employ such other tracking, reporting or documentation means and methodologies necessary to comply with all FEMA Requirements and



ensure maximum reimbursement for costs associated R.M. Clayton Emergency Work. Additionally, the procurement process shall include as much competition as practicable under the circumstances, pursuant to Section 2-1192 of the City Code; and such other components and requirements of the City's procurement process defined in the City Code as is practicable under the circumstances, which may be directed by the Chief Procurement Officer pursuant to the authority granted under Section 2-1192 of the City Code. The Chief Procurement Officer shall submit to the Council for approval no later than 45 days from the effective date of this ordinance, the framework of the competitive process proposed to procure future service itemized in Exhibit "A" and referred to in this section.

A true copy,

ADOPTED as amended by the Atlanta City Council  
RETURNED WITHOUT SIGNATURE BY MAYOR  
APPROVED as per City Charter Section 2-403

APR 19, 2010

APR 28, 2010

*Rhonda Daughin Johnson*  
Municipal Clerk



**Bid Package**

Grating Replacement  
 Facility Lighting and General Electric  
 Field Instruments and Actuators/Valves

**Description**

Grating throughout the plant was lifted and damaged during the flood  
 Facility lighting throughout the flooded buildings and pipe galleries  
 Process control instrumentation and valve/gate control actuators

Secondary Chemical Building Repairs  
 West Area CSO Outfall Repairs  
 Plantwide HVAC and Plumbing  
 Road Repairs  
 BNR Cleaning  
 Acetic Acid System  
 Primary Clarifiers/Covers  
 Drum Screen Shaft Repairs  
 Air Piping Insulation  
 Architectural Repairs  
 Foxboro Control System Rewiring

**Quote Packages**

Odor Control Repairs (Indusco)  
 Elevators (Thyssen Krupp)  
 Diffuser Gas Cleaning (Sanitaire)  
 BNR Mixers (Wilco)  
 Secondary Clarifier Repairs (Ford Hall)  
 Storm Drain Cleaning  
 DAF Air Compressors  
 Blower Starters  
 Blower Building Air Compressors

Chemical addition in secondary for solid settlement during high flow conditions  
 Replace and secure rock outfall that was washed out during high flows  
 Replace HVAC systems in Admin building and secondary process buildings  
 Fill and asphalt damaged roads  
 Cleaning plugged air diffusers caused by systems offline  
 Chemical addition cleaning system for secondary process  
 Primary clarifiers gear boxes and controls damaged  
 Drum screen shafts sheared under high flow conditions  
 Air piping system insulation replacement  
 All building architectural damage combined in this package  
 Control system rewiring and reprogrammed

**Project #**

Proprietary odor control system repair and replacement  
 Secondary freight and administration freight and passenger elevator repair  
 Gas systems filled with river water and influent need scrubbing  
 Mixers used in secondary biological process to keep solids suspended  
 Secondary clarifiers damaged under high flow conditions  
 Storm drains contained raw influent need scrubbing and isolation from river  
 Air compressor systems in primary area need replacements  
 Three 55,000 CFM 4160 Volt Blower starters need repairs  
 Air compressor systems in the secondary building need replacement  
 Some of the insulation in the blower building is asbestos and needs to be removed  
 Primary tank drains were damaged and need to be lined so they do not leak into storm system

\* Asbestos Removal (DPC)

\* Primary Tank Drain Lines



**Investigation Package**

- \* Berm Design
- \* Stormwater System Rerouting and PS

Berm needs to be raised to prevent future damage (Project can be bid through procurement but will be covered by FEMA/GEWA)  
Reroute internal storm system to front of plant for environmental protection

RCS# 191  
4/19/10  
5:39 PM

Atlanta City Council

REGULAR SESSION

10-O-0518

AUTH.RATIFY PROCURE.PROCESS TO ADDRESS  
EMERG.REPAIRS TO RM CLAYTON WATER RECLAM  
ADOPT AS AMEND

YEAS: 12  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	N Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

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