

#16

# 10-0-1166

(Do Not Write Above This Line)

AN ORDINANCE BY Howard Shook  
COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE TO WAIVE THE APPLICATION OF THE LOCAL BIDDER PREFERENCE PROGRAM, SECTION 2-1188.1 OF THE CITY CODE OF ORDINANCES, FOR THE PROJECT DESIGNATED AS FC-5076, ATLANTA-FULTON COUNTY WATER TREATMENT PLANT BULK HYPOCHLORITE SYSTEM AND FILTER/PLATE SETTLER IMPROVEMENTS, FOR THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION, A JOINT VENTURE OF THE CITY OF ATLANTA AND FULTON COUNTY; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 7/6/10

Referred To: Finance/Exec  
**ADOPTED BY**

Date Referred JUN 21 2010

Referred To: **COUNCIL**

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

First Reading

Committee Finance/Exec  
Date 7/6/10  
Chair Johnathan

Action Refer  
Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_

Members Howard Shook  
Johnathan  
Kevin Moore  
Paul Shook

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_

Members \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_

Members \_\_\_\_\_

- FINAL COUNCIL ACTION
- 2nd
  - 1st & 2nd
  - 3rd
  - Consent
  - V Vote
  - RC Vote

CERTIFIED

**CERTIFIED**  
JUN 21 2010

ATLANTA CITY COUNCIL PRESIDENT

Howard Shook

**CERTIFIED**  
JUN 21 2010

Kevin Moore  
MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

JUN 21 2010

Howard Shook  
MAYOR

**AS AMENDED**



CITY COUNCIL  
ATLANTA, GEORGIA

*Handwritten signature: Hal Shul*

**10-O-1166**

**AN ORDINANCE BY  
FINANCE EXECUTIVE COMMITTEE as  
AMENDED BY FULL COUNCIL**

**AN ORDINANCE TO WAIVE THE APPLICATION OF THE LOCAL BIDDER PREFERENCE PROGRAM, SECTION 2-1188.1 OF THE CITY CODE OF ORDINANCES, FOR THE PROJECT DESIGNATED AS FC-5076, ATLANTA-FULTON COUNTY WATER TREATMENT PLANT BULK HYPOCHLORITE SYSTEM AND FILTER/PLATE SETTLER IMPROVEMENTS, FOR THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION, A JOINT VENTURE OF THE CITY OF ATLANTA AND FULTON COUNTY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") and Fulton County, Georgia ("County") jointly own certain land ("Property"), Land Lots 137, 138, 139 and 140, First District, First Section, Fulton County, Georgia, and operate a the water treatment facility, known as the North Fulton Water Treatment Plant ("NFWTP"), located in Johns Creek, Georgia; and

**WHEREAS**, the City and County operate the NFWTP through a joint venture agreement, doing business as the Atlanta-Fulton County Water Resources Commission (collectively, "Commission", or, individually, "JV Member"); and

**WHEREAS**, the Commission did advertise for solicitation of bids on May 6, 2010 for the construction of certain improvements to the NFWTP, known as FC-5076, the Atlanta-Fulton County Water Treatment Plant Bulk Hypochlorite System and Filter/Plate Settler Improvements project ("Solicitation"); and

**WHEREAS**, in accordance with Section 2-1188.1 of the City Code, the Solicitation included compliance with the City's local bidder preference program ("LBP"); and

**WHEREAS**, the City was recently informed that Fulton County, as the City's joint venture partner, is prohibited by state law from evaluating, awarding or executing a contract to a contractor on any basis other than a strict calculation of the lowest responsive and responsible bidder, and as such, the County cannot participate in the Project with an inclusion of the City's local bidder preference program as a matter of state law; and

**WHEREAS**, the City's local bidder preference program does not include a option to waive the LBP in a City contract, and as such, the City must waive the LBP by this ordinance to comply with Fulton County's legal requirements and limitations, set by state law; and

**WHEREAS**, Fulton County has requested the City waive the application of the LBP for the Project so that the Project can proceed with evaluation of bidders and recommendation of award without regard to the City's LBP ordinance in compliance to comport with State law; and

**WHEREAS**, it is the recommendation of the Chief Procurement Officer, the City Attorney and the Commissioner of the Department of Watershed Management to waive the LBP for the Project.



**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA**

**SECTION 1.** Section 2-1188.1 of the City Code is waived and otherwise exempt from application for the FC-5076, the Atlanta-Fulton County Water Treatment Plant Bulk Hypochlorite System and Filter/Plate Settler Improvements project.

**SECTION 2.** That all ordinances in conflict with the provisions of this ordinance are waived to the extent of such conflict.

**A true copy,**

*Shonda Dauphin Johnson*  
**Municipal Clerk**

**ADOPTED as amended by the Council  
APPROVED by Mayor Kasim Reed**

**JUN 21, 2010  
JUN 29, 2010**

RCS# 342  
6/21/10  
5:19 PM

Atlanta City Council

REGULAR SESSION

10-O-1166

WAIVE APP.OF LOCAL BIDDER PREFERENCE  
PROGRAM  
ADOPT AS AMEND

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

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