

#10

10-0-1464

(Do Not Write Above This Line)

AN ORDINANCE BY *Carla Smith*
COUNCILMEMBER CARLA SMITH

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, ALLOWING THE CITY TO CONTRACTUALLY EXERCISE ITS AMENDMENT OPTIONS ON AN EXPIRED CONTRACT IN ORDER TO ENTER INTO AMENDMENT AGREEMENT NO. 2 WITH PUBLIC FACILITIES & SERVICES, INC. FOR FC-6006007903, DESIGN, FABRICATIOIN, AND INSTALLATION OF AUTOMATIC PUBLIC TOILETS, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$156,750.00) WITH ALL CONTRACT WORK BEING CHARGED TO AND PAID FROM FDOA: 1001 (GENERAL FUND) 130302 (DPW TRAFFIC ENGINEERING) 5222002 (REPAIR & MAINTENANCE) 4270000 (TRAFFIC ENGINEERING); AND FOR OTHER PURPOSES.

ADOPTED BY
SEP 07 2010

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

Date Referred

08/16/10

Referred To:

Finance/Exec

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee *FINANCE/EXEC*

Date *Sept. 7, 2010*

Chair *[Signature]*

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

Members *[Signature]*

[Signature]

[Signature]

Refer To *[Signature]*

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 _____

Refer To _____

Committee _____

Date _____

Chair _____

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

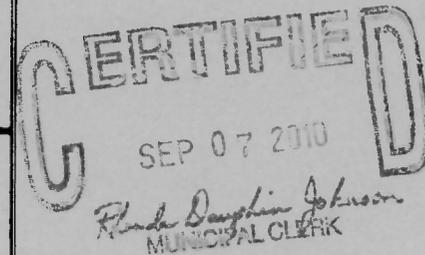
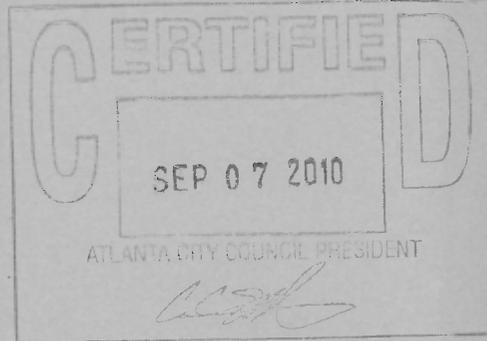
Members _____

Refer To _____

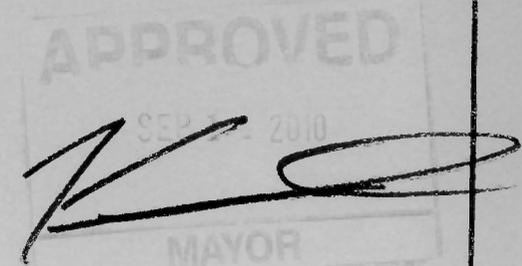
FINAL COUNCIL ACTION

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

CERTIFIED



MAYOR'S ACTION





AN ORDINANCE BY
COUNCILMEMBER CARLA SMITH

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, ALLOWING THE CITY TO CONTRACTUALLY EXERCISE ITS AMENDMENT OPTIONS ON AN EXPIRED CONTRACT IN ORDER TO ENTER INTO AMENDMENT AGREEMENT NO. 2 WITH PUBLIC FACILITIES & SERVICES, INC. FOR FC-6006007903, DESIGN, FABRICATIOIN, AND INSTALLATION OF AUTOMATIC PUBLIC TOILETS, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$156,750.00) WITH ALL CONTRACT WORK BEING CHARGED TO AND PAID FROM FDOA: 1001 (GENERAL FUND) 130302 (DPW TRAFFIC ENGINEERING) 5222002 (REPAIR & MAINTENANCE) 4270000 (TRAFFIC ENGINEERING); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) did enter into an Agreement with Public Facilities & Services, Inc., for FC-6006007903, Design, Fabrication, and Installation of Automatic Public Toilets; and

WHEREAS, the City, by and through the Department of Public Works, accepted from the Atlanta Development Authority (“ADA”) grant funds in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) to support the acquisition, installation, and maintenance of Six (6) automated public toilets (“Toilets”); and

WHEREAS, the initial Two (2) year term for the support and maintenance of the Toilets expired on December 31, 2009; and

WHEREAS, Amendment Agreement No. 1 authorized additional funding to the Agreement in an amount not to exceed Eighty Nine Thousand Dollars (\$89,000.00), and an extension for support and maintenance of the Toilets for an additional Six (6) months beginning January 1, 2010, via Resolution 09-R-2178 which was adopted by the Atlanta City Council on December 7, 2009 and approved by the Mayor on December 15, 2009; and

WHEREAS, the Department of Public Works desires to enter into Amendment Agreement No. 2 to add additional funding in the amount of One Hundred Fifty Six Thousand Seven Hundred Fifty Dollars (\$156,750.00) to fund the maintenance option in the executed Agreement; and

WHEREAS, the Commissioner of the Department of Public Works has recommended that the City waive The Competitive Procurement Provisions contained in Article X of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances, in order to exercise Amendment Agreement No. 2 with Public Facilities & Services, Inc. Automatic Public Toilets for a period of one (1) year, with an effective date of July 1, 2010.



THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

Section 1: That the Mayor is authorized to execute Amendment Agreement No. 2 with Public Facilities & Services, Inc., for FC-6006007903, Automatic Public Toilets for a period of One (1) year, with an effective date of July 1, 2010, and to add additional funding in the amount of One Hundred Fifty Six Thousand Seven Hundred Fifty Dollars (\$156,750.00) to fund the maintenance option in the Agreement.

Section 2: Section 2-1206 of the Atlanta City Code of Ordinances is waived to allow the City to contractually exercise Amendment Agreement No. 2 with Public Facilities & Services, Inc.

Section 3: That Amendment Agreement No. 2 will have an effective term of July 1, 2010 to June 30, 2011 allowing for the continued services needed for the Automatic Public Toilets Program.

Section 4: That the Chief Procurement Officer is directed to prepare an appropriate Amendment Agreement No. 2 for execution by the Mayor.

Section 5: That Amendment Agreement No. 2 shall have the original contract conditions incorporating all amendments passed by Council and signed by the Mayor which are specifically incorporated by reference herein.

Section 6: The Mayor is authorized, on behalf of the City, to take any other and further action and to execute, acknowledge, accept and/or deliver any other and further instruments, documents and assurances as deemed desirable and appropriate to consummate the transaction authorized by this Ordinance and to effectuate the terms, purposes and intent of this Ordinance.

Section 7: That Amendment Agreement No. 2 will not become binding on the City, and the City will incur no obligation or liability under it until it has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk and delivered to Public Facilities & Services, Inc.

Section 8: All Ordinances in conflict with this Ordinance, including, but not limited to, Code Sections 2-1205 and 2-1206 shall be waived to the extent of the conflict only.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

SEP 07, 2010
SEP 14, 2010

RCS# 523
9/07/10
2:48 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-1577

ADOPT EXCEPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I

		09-07-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-1464	38. 10-R-1579	59. 10-R-1507
2. 10-O-1470	39. 10-R-1580	60. 10-R-1508
3. 10-O-1397	40. 10-R-1581	61. 10-R-1509
4. 10-O-1398	41. 10-R-1374	62. 10-R-1510
5. 10-O-1465	42. 10-R-1491	63. 10-R-1511
6. 10-O-1467	43. 10-R-1492	64. 10-R-1512
7. 10-O-1373	44. 10-R-1493	65. 10-R-1513
8. 10-R-1462	45. 10-R-1494	66. 10-R-1514
9. 10-R-1463	46. 10-R-1495	67. 10-R-1515
10. 10-R-1480	47. 10-R-1496	68. 10-R-1516
11. 10-R-1481	48. 10-R-1497	69. 10-R-1517
12. 10-R-1482	49. 10-R-1498	70. 10-R-1518
13. 10-R-1483	50. 10-R-1499	71. 10-R-1519
14. 10-R-1484	51. 10-R-1500	72. 10-R-1520
15. 10-R-1485	52. 10-R-1501	73. 10-R-1521
16. 10-R-1558	53. 10-R-1502	74. 10-R-1522
17. 10-R-1559	54. 10-R-1503	75. 10-R-1523
18. 10-R-1560	55. 10-R-1504	76. 10-R-1524
19. 10-R-1561	56. 10-R-1505	77. 10-R-1525
20. 10-R-1562	57. 10-R-1506	78. 10-R-1526
21. 10-R-1563	58. 10-R-1541	79. 10-R-1527
22. 10-R-1564		80. 10-R-1528
23. 10-R-1565		81. 10-R-1529
24. 10-R-1568		82. 10-R-1530
25. 10-R-1537		83. 10-R-1531
26. 10-R-1538		84. 10-R-1532
27. 10-R-1539		85. 10-R-1533
28. 10-R-1540		86. 10-R-1534
29. 10-R-1543		87. 10-R-1571
30. 10-R-1544		88. 10-R-1572
31. 10-R-1545		
32. 10-R-1546		
33. 10-R-1547		
34. 10-R-1548		
35. 10-R-1549		
36. 10-R-1551		
37. 10-R-1578		