

10-R-1568
(Do Not Write Above This Line)

A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 3 FOR CONTRACT NO. FC-3005007892, AIRFIELD RECYCLED MATERIALS WITH STEPHENS MDS, LP AND THE LIONS GROUP, INC., A JOINT VENTURE, ON BEHALF OF THE DEPARTMENT OF AVIATION, IN THE AMOUNT OF \$203,598.64, TO SETTLE ALL OUTSTANDING CONTRACT CLAIMS. THE SETTLEMENT WILL BE CHARGED TO AND PAID FROM PTAEO 18100301 (AIRFIELD-GENERAL IMPROVEMENTS) 104 (TASK) 550591336 (DOA PFC REVENUE 96AA) 5414002 (FACILITIES OTHER THAN BLDGS) and FDOA 5505 (AIRPORT PASSENGER FACILITY CHARGE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5414002 (FACILITIES OTHER THAN BLDGS) 7563000 (AIRPORT) 100301 (AIRFIELD-GENERAL IMPROVEMENTS) 91336 (DOA PFC REVENUE 96AA).

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee
Finance/Executive
Date
Sept. 7 2010
Chair
[Signature]
Action
 Fav, Adv, Hold (see rev. side)
Other _____
Members
[Signatures]
Refer To _____

Committee _____
Date _____
Chair _____
Action
Fav, Adv, Hold (see rev. side)
Other _____
Members _____
ADOPTED BY
SEP 07 2010
COUNCIL
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
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED

SEP 07 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

SEP 07 2010

Rhonda Doughton Johnson
MUNICIPAL CLERK

2010 AUG - 6 PM 2:27

CITY OF ATLANTA
DEPT. OF PROCUREMENT

MAYOR'S ACTION

APPROVED

SEP 16 2010

WITHOUT SIGNATURE
BY OPERATION OF LAW

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 3 FOR CONTRACT NO. FC-3005007892, AIRFIELD RECYCLED MATERIALS WITH STEPHENS MDS, LP AND THE LIONS GROUP, INC., A JOINT VENTURE, ON BEHALF OF THE DEPARTMENT OF AVIATION, IN THE AMOUNT OF \$203,598.64, TO SETTLE ALL OUTSTANDING CONTRACT CLAIMS. THE SETTLEMENT WILL BE CHARGED TO AND PAID FROM PTAEO 18100301 (AIRFIELD-GENERAL IMPROVEMENTS) 104 (TASK) 550591336 (DOA PFC REVENUE 96AA) 5414002 (FACILITIES OTHER THAN BLDGS) and FDOA 5505 (AIRPORT PASSENGER FACILITY CHARGE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5414002 (FACILITIES OTHER THAN BLDGS) 7563000 (AIRPORT) 100301 (AIRFIELD-GENERAL IMPROVEMENTS) 91336 (DOA PFC REVENUE 96AA).

WHEREAS, the City of Atlanta ("City") entered into Contract No. FC-3005007892, Airfield Recycled Materials ("Contract"), with Stephens MDS, LP and The Lions Group, Inc., A Joint Venture ("Contractor"), on behalf of the Department of Aviation, dated June 21, 2006; and

WHEREAS, in September 2008, Contractor submitted two claims ("Claims") for additional compensation for alleged quantity overruns, extended general conditions and performance costs, which Claims were denied by the City; and

WHEREAS, in October 2009, the Contractor filed a lawsuit in the Superior Court of Fulton County concerning the Claims; and

WHEREAS, in July 2010, the Superior Court of Fulton County issued a summary judgment in favor of the City on all but one count contained in the lawsuit; and

WHEREAS, the City and the Contractor have negotiated and reached a settlement agreement on the remaining open lawsuit count; and

WHEREAS, the Interim Aviation General Manager and City Attorney believe it is desirable and in the best interests of the City to settle the Claims with the Contractor in the amount of \$203,598.64 by executing Change Order No. 3 to the Contract.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA that the Mayor is authorized to execute Change Order No. 3 with the Contractor, on behalf of the City and its Department of Aviation, for the total amount of \$203,598.64, in full and final settlement of all claims the Contractor may have related to this Contract.



BE IT FURTHER RESOLVED, that all contracted work will be charged to and paid from PTAE0 18100301 (Airfield-General Improvements) 104 (Task) 550591336 (DOA PFC Revenue 96AA) 5414002 (Facilities Other Than Bldgs) and FDOA 5505 (Airport Passenger Facility Charge Fund) 180201 (DOA Aviation Capital Planning & Development) 5414002 (Facilities Other Than Bldgs) 7563000 (Airport) 100301 (Airfield-General Improvements) 91336 (DOA PFC Revenue 96AA).

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare Change Order No. 3 for execution by the Mayor.

BE IT FINALLY RESOLVED, that Change Order No. 3 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 by the City Attorney as to form and delivered to the Contractor.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

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

SEP 07, 2010

SEP 16, 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		