

**10-0-1781**

(Do Not Write Above This Line)

AN ORDINANCE BY  
FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO RATIFY THE PRIOR PROVISION OF SERVICES WITH SCOTT & SONS HOLDINGS, LLC., FOR FC-4690, ZABAN RECREATION CENTER IMPROVEMENTS; TO ALLOW FOR FULL PAYMENT OF SAID SERVICES IN AN AMOUNT NOT TO EXCEED \$444,000; AND FOR OTHER PURPOSES.

**SUBSTITUTE**

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

Date Referred: 10/18/10  
 Referred To: Finance Exec.  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_

Committee: FIN Executive  
 Date: 10/18/10  
 Chair: Paul Douglas Johnson  
 Referred to: FIN EXEC

Committee: Finance Executive  
 Date: 10/18/10  
 Chair: Paul Douglas Johnson  
 Action: Fav. Adv. Hold (see rev. side)  
 Other: Substitute

Members: [Signature]  
 Refer To: [Signature]

Committee: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Chair: \_\_\_\_\_  
 Action: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Members: \_\_\_\_\_  
 Refer To: \_\_\_\_\_

Committee

Date

Chair

Action

Other

Members

Refer To

Committee

Date

Chair

Action

Other

Members

ADOPTED BY

NOV 01 2010

COUNCIL

Refer To

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

CERTIFIED  
 NOV 01 2010  
 ATLANTA CITY COUNCIL PRESIDENT  
[Signature]

CERTIFIED  
 NOV 01 2010  
 Paul Douglas Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 09 2010  
[Signature]  
 MAYOR



CITY COUNCIL  
ATLANTA, GEORGIA

A SUBSTITUTE ORDINANCE BY  
FINANCE/EXECUTIVE COMMITTEE

10-O-1781

**AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO RATIFY THE PRIOR PROVISION OF SERVICES WITH SCOTT & SONS HOLDINGS, LLC., FOR FC-4690, ZABAN RECREATION CENTER IMPROVEMENTS; TO ALLOW FOR FULL PAYMENT OF UNPAID INVOICES FOR MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$444,000; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") entered in a contract ("Contract") with Scott & Sons Holdings, LLC. ("Scott & Sons") for FC-4690, Zaban Recreation Center Improvements for a term of One Hundred Eighty (180) days pursuant to Resolution 08-R-2174, adopted by the Atlanta City Council on November 17, 2008, and approved by the Mayor on November 24, 2008; and

**WHEREAS**, the purpose of the contract was to perform renovation of the entire Zaban Recreation Center ("Renovation Project"); and

**WHEREAS**, though the Contract had a term of 180 days, such time limitation reflects a time-for-performance agreement, and not an agreement for a specific project such as the Renovation Project. The Contract for the Renovation Project should have been valid until performance of the renovation was complete; and

**WHEREAS**, the Contract expired in June 2009, prior to the Renovation Project being complete. The Department of Parks, Recreation and Cultural Affairs ("DPRCA") did not realize that the Contract had expired until September 2010; and

**WHEREAS**, the Renovation Project was completed in early October 2010, and Scott and Sons needs to be compensated for the work previously approved by Resolution 08-R-2174; and

**WHEREAS**, the Contract had a not-to-exceed amount of \$404,000. The cost of said Renovation Project was \$444,000, and no work was performed outside the scope of the Contract; and

**WHEREAS** the Zaban Recreation Center has been designated as a Center of Hope and is scheduled to be opened in October 2010 for programming by DPRCA. Therefore, DPRCA allowed Scott and Sons to complete the Renovation Project; and

**WHEREAS**, the Chief Procurement Officer and the DPRCA Commissioner have determined that it is in the City's best interests to ratify the prior provision of services and compensate Scott & Sons for the full cost of the work the company performed, namely \$444,000.



**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
HEREBY ORDAINS, as follows:**

**SECTION 1:** The City's acceptance and payment of FC-4690 Zaban Recreation Center improvements provided by Scott & Sons Holdings, LLC, from the day of Contract expiration in June 2009 through the date of this legislation are ratified and confirmed, and the Mayor, on behalf of the City, is authorized to pay Scott and Sons a total amount not to exceed \$444,000 for the entire FC-4690 project.

**SECTION 2:** The Chief Financial Officer is authorized to remit payment to Scott & Sons in the amount of Four Hundred and Forty Four Thousand dollars (\$444,000) for unpaid invoices for maintenance services that occurred through October 2010, where said payments are charged to and paid from FUND 2201 (COMMUNITY DEVELOPMENT BLOCK GRANT), DEPT. 140106 (PARK DESIGN), ACCOUNT 5222001 (REPAIR AND MAINTENANCE-BUILDING), FUND ACTIVITY 6220000 (PARK AREAS), PROJECT 110304 (HAIRC, CD-816 CAPITAL), FUNDING SOURCE 31764 (CDBG 2008).

**SECTION 3:** All Ordinances or parts of Ordinances in conflict with this Ordinance, including Article X, Division 4, Source Selection Methods, are waived for this instance only and only to the extent of the conflict.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council

APPROVED by Mayor Kasim Reed

NOV 01, 2010

NOV 09, 2010

RCS# 633  
11/01/10  
3:38 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1872,10-R-1898,

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	11-01-10
1. 10-O-1874 2. 10-O-1881 3. 10-O-1767 4. 10-O-1479 5. 10-O-1781 6. 10-O-1875 7. 10-O-1876 8. 10-O-1870 9. 10-R-1836 10. 10-R-1897 11. 10-R-1858 12. 10-R-1859 13. 10-R-1884 14. 10-R-1830 15. 10-R-1835 16. 10-R-1861 17. 10-R-1862 18. 10-R-1863 19. 10-R-1864 20. 10-R-1865 21. 10-R-1882 22. 10-R-1823 23. 10-R-1824 24. 10-R-1825 25. 10-R-1826 26. 10-R-1827 27. 10-R-1828 28. 10-R-1837 29. 10-R-1838 30. 10-R-1839 31. 10-R-1840 32. 10-R-1841 33. 10-R-1842 34. 10-R-1843	35. 10-R-1844 36. 10-R-1845 37. 10-R-1846 38. 10-R-1847 39. 10-R-1848 40. 10-R-1849 41. 10-R-1850 42. 10-R-1851 43. 10-R-1852 44. 10-R-1853 45. 10-R-1854 46. 10-R-1855 47. 10-R-1856 48. 10-R-1857	