

10-12-1827

(Do Not Write Above This Line)

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AMENDMENT AGREEMENT NUMBER 5 WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS, AND GUTTERS ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTY ONE THOUSAND SEVEN HUNDRED SEVENTY ONE DOLLARS AND SIXTEEN CENTS (\$481,771.16) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

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

Date Referred
Date Referred
Referred To:
Date Referred
Referred To:
Referred To:

Committee _____
Date _____
Chair _____
Referred To _____

First Reading

Committee City Utilities
Date Oct 26 2010
Chair Johnnie Johnson

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

Members
Johnnie Johnson

Paul Fish

Refer To _____

Committee _____

Date _____

Chair _____

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

Members

ADOPTED BY

NOV 01 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
NOV 01 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
NOV 01 2010
Paul Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 10 2010

WITHOUT SIGNATURE
BY OPERATION OF LAW



**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AMENDMENT AGREEMENT NUMBER 5 WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS, AND GUTTERS ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTY ONE THOUSAND SEVEN HUNDRED SEVENTY ONE DOLLARS AND SIXTEEN CENTS (\$481,771.16) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did solicit Bids for Contract No. FC- 4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters ("Contractors"); and

WHEREAS, the Atlanta City Council adopted Resolution 09-R-1550 on September 21, and the Mayor approved the same on September 25, 2009 which authorized the Agreement for FC-4943E with Tople Construction, Inc.; and

WHEREAS, the base term of the Contract is for a period of Two (2) years, with Two (2) one (1) year renewal options to be exercised at the sole discretion of the City effective October 20, 2009 through October 19, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 1 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1877 adopted by the City Council on November 2, 2009 and approved by the Mayor on November 6, 2009 in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 2 with Tople Construction Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters via Resolution 09-R-1925 adopted by the City Council on November 16, 2009 and approved by the Mayor on November 24, 2009 in an amount not to exceed Three Hundred Thirty Four Thousand Eight Hundred Ninety Five Dollars and Eighty Six Cents (\$334,895.86); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 3 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1060 adopted by the City Council on June 21, 2010 and approved by the Mayor on June 29, 2010 for the Fairburn Road Sidewalk Project in an amount not to exceed Two Hundred Eighty Thousand Dollars (\$280,000.00); and



WHEREAS, the Department of Public Works entered in to Amendment Agreement No. 4 with Tople Construction, Inc., Annual Contract Sidewalks, Driveways, Curbs, and Gutters via Resolution 10-R-1270 adopted by City Council on July 19, 2010 and approved by the Mayor on July 27, 2010 in an amount not to exceed Two Hundred Sixty Five Thousand Eight Hundred Ninety Nine Dollars and Forty Five Cents (\$265,899.45); and

WHEREAS, the Department of Public Works desires to enter into Amendment Agreement Number 5 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters in an amount not to exceed Four Hundred Eighty One Thousand Seven Hundred Seventy One Dollars and Sixteen Cents (\$481,771.16); and

WHEREAS, Tople Construction, Inc., has performed the contracted services satisfactorily; and

WHEREAS, the Commissioner of the Department of Public Works and the Chief Procurement Officer recommend this Amendment Agreement Number 5, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor, or his designee, is authorized to execute Amendment Agreement Number 5, Contract No. FC-4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters with Tople Construction, Inc., on behalf of the Department of Public Works in an amount not to exceed Four Hundred Eighty One Thousand Seven Hundred Seventy One Dollars and Sixteen Cents (\$481,771.16).

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that the Agreement will not become binding upon the City, and the City will incur no 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 Tople Construction, Inc.

BE IT FINALLY RESOLVED, that all contracted work will be charged to and paid from Fund, 3127 (2004 Quality of Life Bond), 3138 (2008 Quality of Life Bond), 7701 (Trust Funds) 3502 (General Government Capital Fund) 130308 (DPW Transportation Design) 130302 (DPW Traffic Engineering) 4270000 (Traffic Engineering) and Account numbers and PT AEO Funding Source 13102528 102 312721224 5414002 COA, 13102093 103 312721224 5414002 COA, 13102087 108 312721224 5414002 COA, 13102087 109 312721224 5414002 COA, 13102091 108 312721224 5414002 COA, 13102091 109 312721224 5414002 COA, 13102091 110 312721224 5414002 COA, 13102097 102 312721224 5414002 COA, 13102089 102 312721224 5414002 COA, 13102095 106 312721224 5414002 COA, 13102095 108 312721224 5414002 COA,



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A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

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

NOV 01, 2010

NOV 10, 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	