

#4

11-0-0325

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMEMBER *Carla Smith*

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH WASTE MANAGEMENT OF ATLANTA, INC. FOR FC-5035A, ANNUAL CONTRACT FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, AND THE DEPARTMENT OF WATERSHED MANAGEMENT BASED ON UNIT PRICES IN AN AMOUNT NOT TO EXCEED THREE MILLION FOUR HUNDRED FORTY-SIX THOUSAND SEVEN HUNDRED SIXTEEN DOLLARS AND NO CENTS (\$3,446,716.00); AND AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE SOURCE SELECTION REQUIREMENTS CONTAINED IN SECTIONS 2-1187 THROUGH 2-1193 OF ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM VARIOUS FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS AND FOR OTHER PURPOSES.

MAR 21 2011

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

Date Referred *02/21/2011*

Referred To: *City Utilities*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

City Utilities
Date *March 1 2011*
~~Chair~~
Action *Hold* (see rev. side)
Other _____
Members _____

Refer To _____

Committee

Date

Chair

Action

Other

Members

Refer To

Committee

Date

Chair

Action

Other

Members

Refer To

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

CERTIFIED
 MAR 21 2011
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 MAR 21 2011
Rochelle Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 30 2011

WITHOUT SIGNATURE BY OPERATION OF LAW



AN ORDINANCE BY
COUNCILMEMBER

Carla Smith

11-0325

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH WASTE MANAGEMENT OF ATLANTA, INC. FOR FC-5035A, ANNUAL CONTRACT FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, AND THE DEPARTMENT OF WATERSHED MANAGEMENT BASED ON UNIT PRICES IN AN AMOUNT NOT TO EXCEED THREE MILLION FOUR HUNDRED FORTY-SIX THOUSAND SEVEN HUNDRED SIXTEEN DOLLARS AND NO CENTS (\$3,446,716.00); AND AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE SOURCE SELECTION REQUIREMENTS CONTAINED IN SECTIONS 2-1187 THROUGH 2-1193 OF ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM VARIOUS FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did advertise for FC-5035, Annual Contract for the Disposal of Municipal Solid Waste, on behalf of the Department of Public Works and the Department of Watershed Management; and

WHEREAS, the Commissioners of the Departments of Public Works and Watershed Management require the Disposal of Municipal Solid Waste services in an amount not to exceed Three Million Four Hundred Forty-Six Thousand Seven Hundred Sixteen Dollars and No Cents (\$3,446,716.00); and

WHEREAS, the Commissioner of the Department of Public Works, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer did recommend that the Agreement for FC-5035A, Annual Contract for the Disposal of Municipal Solid Waste be awarded to Waste Management of Atlanta, Inc.; and

WHEREAS, the Atlanta City Council adopted Resolution Number 11-R-0078, authorizing the Mayor to enter into an appropriate contractual agreement on behalf of the City of Atlanta with Waste Management of Atlanta, Inc.; and

WHEREAS, Resolution Number 11-R-0078 was vetoed by the Mayor and sustained by a majority vote of the Atlanta City Council solely for procedural reasons; and

WHEREAS, the City's public health, safety and welfare interests are best served by effective and efficient disposal of municipal solid waste according to the recommendation of the award pursuant to the original procurement; and

WHEREAS, the conduct of the original Procurement process was not at issue during the veto process, the Commissioner of the Department of Public Works, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have again



recommended that the Agreement for FC-5035A, Annual Contract for the Disposal of Municipal Solid Waste be awarded to Waste Management of Atlanta, Inc.; and

WHEREAS, the Agreement shall be for a period of three (3) years with two (2) one (1) year renewal options at the discretion of the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That the Mayor be and is hereby authorized to enter into an Agreement with Waste Management of Atlanta, Inc. for FC-5035A, Annual Contract for the Disposal of Municipal Solid Waste, based on unit prices in an amount not to exceed Three Million Four Hundred Forty-Six Thousand Seven Hundred Sixteen Dollars and No Cents (\$3,446,716.00).

SECTION 2: That the provisions of Section 2-1187 through 2-1193 of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances be and are hereby waived to permit the City of Atlanta to make this award pursuant to the original procurement.

SECTION 3: That the Chief Procurement Officer be and is hereby directed to prepare an appropriate Agreement for execution by the Mayor.

SECTION 4: That this Agreement shall not become binding on the City, and the City shall incur no liability upon same until such Agreement has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk and delivered to Waste Management of Atlanta, Inc. in an amount not to exceed Three Million Four Hundred Forty-Six Thousand Seven Hundred Sixteen Dollars and No Cents (\$3,446,716.00).

SECTION 5: That the Agreement shall be for a period of three (3) years with two (2) one (1) year renewal options at the sole discretion of the City.

SECTION 6: That all contracted work shall be charged to and paid from the listed Fund Department Organization and Account numbers in the following amounts: **FY 2011 Department of Watershed Management (\$313,216.00):** 5052 (Water & Wastewater Renewal) 170204 (DWM Treatment Plan) 5222003 (Repair and Maintenance) 43350000 (Other Emergency Management) - \$5,000.00; 5052 (Water and Wastewater Renewal) 170212 (DWM Wastewater Collection) 5222003 (Repair and Maintenance) 4310000 (Sanitary Administration) - \$45,000.00; 5051 (Water & Wastewater Revenue) 170409 (DWM Water System Repair-Chastain) 5222003 (Repair and Maintenance) 4440000 (Distribution) - \$74,108.00; 5051 (Water & Wastewater Revenue) 170411 (DWM Water System Repair – Peyton) 5222003 (Repair and Maintenance) 4440000 (Distribution) - \$74,108.00; **FY 2012 -** 5051 (Water & Wastewater Revenue) 170204 (DWM Treatment Plant) – 5222003 (Repair and Maintenance) 43350000 (Other Emergency Management) - \$15,000.00; 5051 (Water & Wastewater Renewal) 170212 (DWM Wastewater Collection) 5222003 (Repair and Maintenance) 4310000 (Sanitary Administration) - \$100,000.00 **Department of Public Works- FY 2011 (\$500,000.00):** 5401 (Solid Waste Services Revenue) 130542 (DPW Disposal- Landfill) 5212001



(Consulting/Professional Services) – **FY 2012 (\$2,633,500.00)**: 5401 (Solid Waste Services Revenue) 130542 (DPW Disposal- Landfill) 5212001 (Consulting/Professional Services).

SECTION 7: That the funding of remaining portions of the Agreement shall be subject to and expressly contingent upon the City's adoption and approval of the budget of that respective year and the appropriation of sufficient funds to the associated funding sources.

SECTION 8: That all ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.

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

MAR 21, 2011

MAR 30, 2011

RCS# 937
3/21/11
3:04 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

11-O-0323, 11-O-0325

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

MULTIPLE