

12-*R*-0901

(Do Not Write Above This Line)

A RESOLUTION BY
FINANCE / EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ENTER INTO A CONTRACT CLOSEOUT AGREEMENT WITH CH2M HILL, INC. ("CH2M HILL") RELATING TO CLAIMS RESULTING FROM CONTRACT NO. FC-4885, REVENUE DISCOVERY, PURSUANT TO WHICH THE CITY OF ATLANTA ("CITY") WILL PAY \$688,196.00 TO CH2M HILL WHICH WILL BE CHARGED TO AND PAID FROM FUNDS IDENTIFIED AND COLLECTED PURSUANT TO THE CONTRACT; AND FOR OTHER PURPOSES.

ADOPTED BY

JUL 0 2 2012

COUNCIL

- 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 *6-27-12*

Chair *Shirley Noy*

Action *Refer*

Fav, Adv, Hold (See rev. side) _____

Other _____

Members _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (See rev. side) _____

Other _____

Members _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (See rev. side) _____

Other _____

Members _____

Committee _____

Date _____

Chair _____

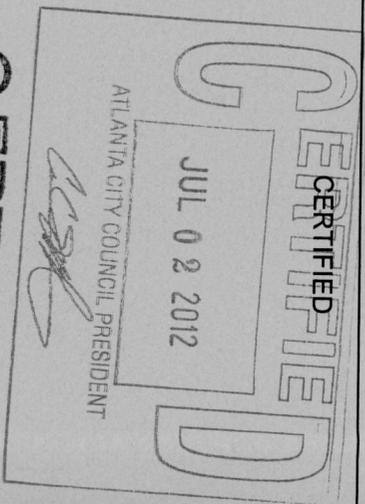
Action _____

Fav, Adv, Hold (See rev. side) _____

Other _____

Members _____

- FINAL COUNCIL ACTION
- 2ND 1ST & 2ND 3RD
- Readings
- Consent V Vote RC Vote



CERTIFIED

JUL 02 2012

Rachel Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 1 1 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



**A RESOLUTION
BY: FINANCE / EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ENTER INTO A CONTRACT CLOSEOUT AGREEMENT WITH CH2M HILL, INC. ("CH2M HILL") RELATING TO CLAIMS RESULTING FROM CONTRACT NO. FC-4885, REVENUE DISCOVERY, PURSUANT TO WHICH THE CITY OF ATLANTA ("CITY") WILL PAY \$688,196.00 TO CH2M HILL WHICH WILL BE CHARGED TO AND PAID FROM FUNDS IDENTIFIED AND COLLECTED PURSUANT TO THE CONTRACT; AND FOR OTHER PURPOSES.

BACKGROUND

WHEREAS, the City of Atlanta is a municipal corporation established under the Constitution of the laws of the State of Georgia; and

WHEREAS, the City entered into Contract No. FC-4885, Revenue Discovery, with CH2M Hill, Inc., a revenue discovery professional services firm, effective July 16, 2009; and

WHEREAS, the entire term of the Contract was two years. The Contract commenced on the effective date of July 16, 2009 and ended on July 15, 2011; and

WHEREAS, the City contracted with CH2M Hill to perform revenue discovery services for the City on a contingency basis; and

WHEREAS, a recovery charge of 30% of the principal collected on Tier One accounts was assessed pursuant to the Contract and Resolution 09-R-0563. Tier One accounts are those existing accounts identified as Tier One by the City and newly discovered accounts which did not appear on the existing records provided by the City to CH2M Hill; and

WHEREAS, a recovery charge of 20% of the principal collected on Tier Two accounts was assessed pursuant to the Contract and Resolution 09-R-0563. Tier Two accounts are those existing accounts identified by the City by document or record as Tier Two accounts; and

WHEREAS, as of the end date of the term of the Contract, the City had received a total of \$6,178,819.12 as a result of the Tier One and Tier Two accounts identified and collected by CH2M Hill pursuant to the said Contract; and



WHEREAS, to date, the City has paid CH2M Hill a total of Nine Hundred Sixty One Thousand Eight Hundred Four Dollars (\$961,804.00) pursuant to the Contract; and

WHEREAS, the parties have since mutually decided to terminate the Contract; and

WHEREAS, there are monies still owed to CH2M Hill pursuant to said Contract; and

WHEREAS, the parties, after due consideration, have determined to resolve and close out any and all claims, controversies, and disputes, whether asserted or unasserted, known or unknown, or whether in law, equity or otherwise, relating to, arising out of, or in any way concerning the Contract, pursuant to the terms and conditions enumerated hereafter; and

WHEREAS, during numerous meetings, exchanges of additional claims documentation and negotiations, the City and CH2M Hill were able to agree to resolve all outstanding claims under the Contract for the total amount of \$1,650,000.00; and

WHEREAS, Nine Hundred Sixty One Thousand Eight Hundred Four Dollars (\$961,804.00) of the total One Million Six Hundred Fifty Thousand Dollars (\$1,650,000.00) having been paid, leaves an unpaid balance due of Six Hundred Eight-eight Thousand One Hundred Ninety-six Dollars (\$688,196.00); and

WHEREAS, the Chief Financial Officer has reviewed the proposed close out terms and determined that it is desirable and in the City's best interests to consummate this resolution and execute a Contract Closeout Agreement.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Chief Financial Officer is authorized to execute a Contract Closeout Agreement with CH2M Hill resolving the Revenue Discovery Contract dispute on behalf of the Department of Finance for a total not to exceed Six Hundred Eight-eight Thousand One Hundred Ninety-six Dollars (\$688,196.00).

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is hereby directed to prepare and execute the Contract Closeout Agreement.

BE IT FURTHER RESOLVED, that the Contract Closeout Agreement will not become binding on the City and the City will incur no liability or obligation under it until it has been executed by the Chief Financial Officer, attested to by the Municipal Clerk and delivered to CH2M Hill.



BE IT FINALLY RESOLVED, that the Six Hundred Eight-eight Thousand One Hundred Ninety-six Dollars (\$688,196.00) to be paid by the City to CH2M Hill will be charged to and paid from FY12 Budget. One hundred and fifty thousand dollars (\$150,000.00) of that amount to be charged and paid from: 1001- General Fund, 100107 – DOF, Administration & Legislative Services, 5212001 – Consulting/Professional Services. Three hundred thousand dollars (\$300,000.00) of that amount to be charged to and paid from: 1001 – General Fund, 100501 – DOF Revenue and Collections, 5212001 – Consulting/Professional Services. The remaining Two hundred and thirty-eight thousand, one hundred ninety-six dollars (\$238,196.00) to be charged to and paid from: 1001 – General Fund, 100412 – DOF Revenue and Collections, 5212001 – Consulting/Professional Services.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

JUL 02, 2012
JUL 11, 2012

RCS# 2125
7/02/12
2:16 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SEC. I EXCEPT 12-R-0888
MONDAY, JULY 2, 2012 AGENDA
ADOPT AS AMNDED

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

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

CONSENT I

		07-02-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0899	38. 12-R-0859	46. 12-R-0868
2. 12-O-0672	39. 12-R-0860	47. 12-R-0869
3. 12-O-0454	40. 12-R-0861	48. 12-R-0870
4. 12-O-0819	41. 12-R-0862	49. 12-R-0871
5. 12-O-0820	42. 12-R-0863	50. 12-R-0872
6. 12-O-0833	43. 12-R-0864	51. 12-R-0873
7. 12-O-0391	44. 12-R-0865	52. 12-R-0874
8. 12-O-0813	45. 12-R-0866	
9. 12-O-0814		
10. 11-O-0945		
11. 12-O-0810		
12. 12-O-0811		
13. 12-O-0812		
14. 12-O-0896		
15. 12-O-0455		
16. 12-O-0558		
17. 12-R-0887		
19. 12-R-0880		
20. 12-R-0881		
21. 12-R-0882		
22. 12-R-0883		
23. 12-R-0884		
24. 12-R-0875		
25. 12-R-0876		
26. 12-R-0897		
27. 12-R-0898		
28. 12-R-0901		
29. 12-R-0696		
30. 12-R-0818		
31. 12-R-0852		
32. 12-R-0853		
33. 12-R-0854		
34. 12-R-0855		
35. 12-R-0856		
36. 12-R-0857		
37. 12-R-0858		