

#10

2985

13-D-1299
(Do Not Write Above This Line)

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION

2ND 1ST & 2ND 3RD

Readings

Consent V Vote RC Vote

AN ORDINANCE TO AMEND PART II, CHAPTER 2, ARTICLE X, DIVISION 2, SECTION 2-1139 AND TO ADD SECTION 2-1214 TO ARTICLE X, DIVISION 4 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO INCLUDE THE ESTABLISHMENT OF POLICIES AND PROCEDURES REGARDING CONFLICTS OF INTEREST IN PROCUREMENT WITHIN THE SPECIFIC DUTIES OF THE CHIEF PROCUREMENT OFFICER AND PROCUREMENT DEPARTMENT STAFF; AND FOR OTHER PURPOSES.

As Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred *Finance/OC*

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

Fin. / OC
Committee _____
Date *10-16-13* _____
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 _____

Fin. / OC
Committee _____
Date *11-13-13* _____
Chair _____

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

Members _____

Refer To _____

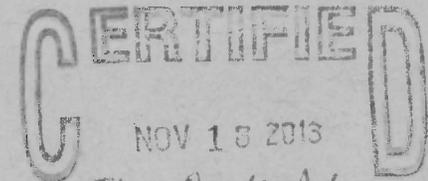
Committee _____
Date _____
Chair _____

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

Members _____

Refer To _____

CERTIFIED



Rhonda Davidson Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

ADOPTED BY

NOV 18 2013

COUNCIL

Refer To _____

APPROVED

NOV 27 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW

AN ORDINANCE BY COUNCILMEMBER YOLANDA ADREAN AS AMENDED BY FINANCE/EXECUTIVE COMMITTEE TO AMEND PART II, CHAPTER 2, ARTICLE X, DIVISION 2, SECTION 2-1138 AND TO ADD SECTION 2-1214 TO ARTICLE X, DIVISION 4 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO INCLUDE THE ESTABLISHMENT OF POLICIES AND PROCEDURES REGARDING CONFLICTS OF INTEREST IN PROCUREMENT WITHIN THE SPECIFIC DUTIES OF THE CHIEF PROCUREMENT OFFICER AND PROCUREMENT DEPARTMENT STAFF; AND FOR OTHER PURPOSES.

WHEREAS, the Chief Procurement Officer's duties are set forth in Part II, Chapter 2, Article X, Division 2 of the City of Atlanta Code of Ordinances; and

WHEREAS, the Chief Procurement Officer's duties include "solicit[ing] and enter[ing] into contracts for the procurement of supplies, services, construction, professional or consultant services and real estate for all using agencies of the city"; and

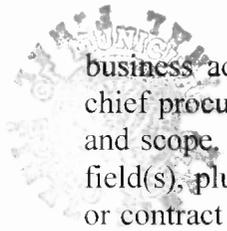
WHEREAS, the centralization of procurement authority in the Chief Procurement Officer affords him the opportunity to assess the types of relationships which may conflict with the best interests of the city during the procurement process, as well as in the resulting contracts for supplies, services, construction, professional or consultant services and real estate; and

WHEREAS, businesses and individuals, as well as the employees and elected officials of the City of Atlanta, can benefit from policies that enhance transparency in procurement, avoid conflicts of interest and inform stakeholders as to how those conflicts will be identified and managed in the procurement process.

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

Section 1: That Part II, Chapter 2, Article X, Division 2, Section 2-1138 (e) of the Code of Ordinances, City of Atlanta, Georgia, which currently states:

(e) *Controls and procedures.* The chief procurement officer shall establish written procedures for the execution of contracts for the procurement of supplies, services, construction, professional or consultant services and real estate for all using agencies of the city. Such procedures shall include explicit delegation of authority to only the specified deputy chief procurement officer to sign contracts to the extent the chief procurement officer has authority to sign said contracts. The chief procurement officer shall inform the municipal clerk and the mayor's office in writing of the name of the individual he designates to sign on his behalf. No person is authorized to enter into any contract on behalf of the city except as provided under the terms of this article and the written procedures. Authority granted to the deputy chief procurement officer is effective until rescinded or until termination of the person's employment by the city. The chief procurement officer shall be responsible for all transactions undertaken and shall establish a system of controls, to be reviewed by the city attorney, to regulate the activities of the subordinate official. Both the chief procurement officer and the deputy chief procurement officer shall possess sufficient working knowledge and shall possess a master's degree in



business administration, public administration or marketing; five years prior experience as a deputy chief procurement officer or equivalent title in a contracting or procurement system of comparable size and scope. The requirement of a master's degree may be substituted by a bachelor's degree in the same field(s), plus ten year's managerial experience in public or corporate purchasing operations, marketing, or contract administration, economics and securities markets, as well as the supervisory experience and judgment necessary to carry out the responsibilities outlined in this policy.

Is hereby amended to read as follows:

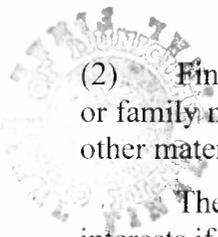
(e) *Controls and procedures.* The chief procurement officer shall establish written procedures for the execution of contracts for the procurement of supplies, services, construction, professional or consultant services and real estate for all using agencies of the city. Such procedures shall include explicit delegation of authority to only the specified deputy chief procurement officer to sign contracts to the extent the chief procurement officer has authority to sign said contracts. The chief procurement officer shall inform the municipal clerk and the mayor's office in writing of the name of the individual he designates to sign on his behalf. No person is authorized to enter into any contract on behalf of the city except as provided under the terms of this article and the written procedures. Authority granted to the deputy chief procurement officer is effective until rescinded or until termination of the person's employment by the city. The chief procurement officer, in consultation with the ethics officer, shall also develop policies and procedures that describe conflicts of interest which may preclude an organization or an individual from competing for a particular contract, as well as establishing written procedures for identifying conflicts and enforcing those policies. The chief procurement officer shall be responsible for all transactions undertaken and shall establish a system of controls, to be reviewed by the city attorney, to regulate the activities of the subordinate official. Both the chief procurement officer and the deputy chief procurement officer shall possess sufficient working knowledge and shall possess a master's degree in business administration, public administration or marketing; five years prior experience as a deputy chief procurement officer or equivalent title in a contracting or procurement system of comparable size and scope. The requirement of a master's degree may be substituted by a bachelor's degree in the same field(s), plus ten year's managerial experience in public or corporate purchasing operations, marketing, or contract administration, economics and securities markets, as well as the supervisory experience and judgment necessary to carry out the responsibilities outlined in this policy. The new provisions may then be set out in full as desired.

Section 2: That Part II, Chapter 2, Article X, Division 4 of the Code of Ordinances, City of Atlanta, Georgia, is amended to include Section 2-1214 which shall read as follows:

2-1214 *Management of Conflicts in Source Selection.*

(a) The Chief Procurement Officer shall require in all solicitations for competitive sealed bids or competitive sealed proposals that offerors disclose all organizational and personal relationships which may give rise to a conflict of interest if the offeror is awarded the contract. Disclosures must include the following categories:

(1) Personal relationships: executives, board members and partners in firms submitting offers must disclose familial relationships with employees, officers and elected officials of the City of Atlanta. Familial relationships shall include spouse, domestic partner registered under section 94-133, mother, father, sister, brother, and natural or adopted children of an official or employee.



(2) **Financial relationships:** offerors must disclose any interest held with a City employee or official, or family members of a City employee or official, which may yield, directly or indirectly, a monetary or other material benefit to the offeror or the offeror's family members.

The Chief Procurement Officer may require disclosure of additional types of relationships or interests if, in his sole discretion, such disclosure is in the best interests of the City.

(b) As early in the procurement process as possible and prior to award of a solicited contract, the Chief Procurement Officer shall review the disclosures of the top three (3) responsive and responsible offerors in a solicitation for competitive sealed proposals, or the three (3) lowest responsive and responsible offerors in a solicitation for competitive sealed bids, to determine if personal or organizational conflicts of interests exist. The Chief Procurement Officer shall make a written determination as to the existence of a conflict and the means by which such conflict may be mitigated or avoided. The written determination shall be maintained in the contract file.

(c) The Chief Procurement Officer shall award the contract to the most responsible and responsive offeror in a solicitation for competitive sealed proposals, or the lowest responsive and responsible offeror in a solicitation for competitive sealed bids, unless a conflict of interest is determined to exist that cannot be avoided or mitigated.

(d) Before determining to withhold award of a contract based on conflict of interest considerations, the Chief Procurement Officer shall notify the contractor, provide the reasons therefore, and allow the contractor a reasonable opportunity to respond. If the Chief Procurement Officer finds that it is in the best interest of the City to award the contract notwithstanding a conflict of interest, the offeror shall submit a request for waiver. The waiver request and decision shall be included in the contract file. Nothing in this Section is intended to waive any ethical obligations which are imposed upon employees and officials of the City in Article VII of the Atlanta City Code of Ordinances.

(e) In recommending award of a solicited contract, the Chief Procurement Officer shall certify to the City Council that the successful offeror has disclosed its organizational and personal relationships and that award of the contract is appropriate under this Section.

Section 3. Any ordinances in conflict with this ordinance are hereby waived to the extent of the conflict.

A true copy,

Deputy Clerk

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

NOV 18, 2013
NOV 27, 2013

**CITY COUNCIL
ATLANTA, GEORGIA**

13-O-1299

AN ORDINANCE BY COUNCILMEMBER YOLANDA ADREAN AS AMENDED BY FINANCE/EXECUTIVE COMMITTEE TO AMEND PART II, CHAPTER 2, ARTICLE X, DIVISION 2, SECTION 2-1138 AND TO ADD SECTION 2-1214 TO ARTICLE X, DIVISION 4 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO INCLUDE THE ESTABLISHMENT OF POLICIES AND PROCEDURES REGARDING CONFLICTS OF INTEREST IN PROCUREMENT WITHIN THE SPECIFIC DUTIES OF THE CHIEF PROCUREMENT OFFICER AND PROCUREMENT DEPARTMENT STAFF; AND FOR OTHER PURPOSES.

Review List:

Atlanta City Council	Completed	10/22/2013 1:22 PM
Finance/Executive Committee	Completed	10/17/2013 2:39 PM
Atlanta City Council	Completed	11/14/2013 3:35 PM
Finance/Executive Committee	Completed	10/31/2013 10:32 AM
Atlanta City Council	Completed	11/07/2013 12:37 PM
Finance/Executive Committee	Completed	11/14/2013 11:49 AM
Atlanta City Council	Completed	11/23/2013 1:21 PM

HISTORY:

10/07/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/16/2013 1:00 PM
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10/16/13 Finance/Executive Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 10/21/2013 1:00 PM
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10/21/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/30/2013 1:00 PM
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10/30/13 Finance/Executive Committee

11/04/13 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/13/2013 1:00 PM
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11/13/13 Finance/Executive Committee APPROVED AS AMENDED

RESULT:	APPROVED AS AMENDED [5 TO 0]	Next: 11/18/2013 1:00 PM
AYES:	Wan, Archibong, Adrean, Martin, Shook	
ABSENT:	Felicia A. Moore	
AWAY:	Aaron Watson	

11/18/2013 Atlanta City Council ADOPTED

LEGISLATION HISTORY - BLUE BACK

RESULT: **ADOPTED BY CONSENT VOTE [14 TO 0]**
AYES: Watson, Wan, Martin, Smith, Shook, Winslow, Moore, Willis, Sheperd, Bottoms,
 Hall, Bond, Archibong, Adrean
AWAY: Ivory Lee Young Jr.

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

RCS# 3145
11/18/13
2:17 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA: ALL ITEMSEXCEPT 13-O-1373
1377, 13-R-3678, 13-O-1369 AND 1340
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

CONSENT I

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ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	11-18-13 ITEMS ADVERSED ON CONSENT
1. 13-O-1243 2. 13-O-1355 3. 13-O-1357 4. 13-O-1358 5. 13-O-1359 6. 13-O-1346 7. 13-O-1347 8. 13-O-1348 9. 13-O-1349 10. 13-O-1350 11. 13-O-1351 12. 13-O-1384 13. 13-O-0030 14. 13-O-1299 15. 13-O-1337 16. 13-O-1360 17. 13-O-1361 18. 13-O-1362 19. 13-O-1370 20. 13-O-1371 21. 13-O-1372 22. 13-O-1381 23. 13-O-1382 24. 13-O-1383 25. 13-O-1315 26. 13-O-1366 27. 13-O-1367 28. 13-O-1368 29. 13-O-1374 30. 13-O-1375 31. 13-O-1379	32. 13-O-1380 33. 13-R-3767 34. 13-R-3737 35. 13-R-3738 36. 13-R-3739 37. 13-R-3740 38. 13-R-3741 39. 13-R-3762 40. 13-R-3763 41. 13-R-3764 42. 13-R-3765 43. 13-R-3766 44. 13-R-3543 45. 13-R-3735 46. 13-R-3734 47. 13-R-3769 48. 13-R-3770 49. 13-R-3771 50. 13-R-3772 51. 13-R-3774 52. 13-R-3775 53. 13-R-3742 54. 13-R-3744 55. 13-R-3745 56. 13-R-3746 57. 13-R-3747 58. 13-R-3748 59. 13-R-3749 60. 13-R-3750 61. 13-R-3751	62. 13-R-3752 63. 13-R-3753 64. 13-R-3754 65. 13-R-3755 66. 13-R-3756 67. 13-R-3757 68. 13-R-3758 69. 13-R-3759 70. 13-R-3760 71. 13-R-3761