

#40

1301402

3330

13- 0-1402

(Do Not Write Above This Line)

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

FINAL COUNCIL ACTION

2<sup>nd</sup>     1<sup>st</sup> & 2<sup>nd</sup>     3<sup>rd</sup>  
Readings  
 Consent     V Vote     RC Vote

AN ORDINANCE  
BY COUNCILMEMBER *A.G. Jones*

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 13 WITH C.P. RICHARDS CONSTRUCTION COMPANY, INC. FOR FC-4943A, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS, AND GUTTERS TO EXTEND THE TERM OF THE AGREEMENT ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Committee F/E  
Date 11/25/13  
Chair *[Signature]*  
Action Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_  
Members \_\_\_\_\_  
*U. Abdul*  
*[Signature]*  
*[Signature]*  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

CERTIFIED  
DEC 02 2013  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
DEC 02 2013  
Ronda Daughlin Johnson  
MUNICIPAL CLERK

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred 11/18/13  
Referred To: City Utilities  
Finance/Exec  
Date Referred Referred To:  
Date Referred:  
Referred To:

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other \_\_\_\_\_  
Members \_\_\_\_\_  
ADOPTED BY \_\_\_\_\_  
DEC 02 2013  
COUNCIL \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

MAYOR'S ACTION  
APPROVED  
DEC 1 2013  
WITHOUT SIGNATURE  
BY OPERATION OF LAW



**AN ORDINANCE  
BY COUNCILMEMBER**

**AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 13 WITH C.P. RICHARDS CONSTRUCTION COMPANY, INC. FOR FC-4943A, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS, AND GUTTERS TO EXTEND THE TERM OF THE AGREEMENT ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City did solicit Bids for Contract No. FC- 4943, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters (“Contractors”); and

**WHEREAS**, the Atlanta City Council adopted Resolution 09-R-1546 on September 21, 2009, and the Mayor approved the same on September 25, 2009 which authorized the Agreement for FC-4943A with C.P. Richards Construction Company, Inc. (“C.P. Richards”); and

**WHEREAS**, the base term of the Contract was 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 2, 2009 through October 1, 2011; and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 1 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1929 adopted by the City Council on November 16, 2009 and approved by the Mayor on November 24, 2009 in an amount not to exceed Seven Hundred Forty Eight Thousand Six Hundred Eighty Nine Dollars and Seventy Four Cents (\$748,689.74); and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 2 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1268 adopted by the City Council on July 19, 2010 and approved by the Mayor on July 27, 2010 in an amount not to exceed Four Hundred Nine Thousand Four Hundred Thirty Nine Dollars and Eighty Two Cents (\$409,439.82); and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 3 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1824 adopted by the City council on November 1, 2010 and approved per City Charter Section 2-403 on November 1, 2010 in an amount not to exceed Two Hundred Five Thousand One Hundred Ninety Dollars and Ninety Nine Cents (\$205,190.99); and

**WHEREAS**, the Department of Watershed Management entered into Amendment Agreement Number 4 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-2120 adopted by the City Council on December 6, 2010 and



approved per City Charter Section 2-403 on December 15, 2010 in an amount not to exceed Six Hundred Seventy Eight Thousand Three Hundred Sixty Nine Dollars and No Cents (\$678,369.00); and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 5 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 11-R-0083 adopted by the City Council on January 18, 2011 and approved per City Charter Section 2-403 on January 27, 2011 in an amount not to exceed One Million Fifty Two Thousand Eighty Dollars and No Cents (\$1,052,080.00); and

**WHEREAS**, the Chief Procurement Officer authorized a 90-day extension of the Contact on September 27, 2011 giving a new expiration date of December 29, 2011; and

**WHEREAS**, the Department of Public Works entered into Renewal Agreement Number 1 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters for time only and to add "Brick" as an additional line item via Resolution 11-R-1737 adopted by the City Council on December 6, 2011 and approved by the Mayor on December 12, 2011; and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 6 (Administrative Change Order) with C.P. Richards in June 2012, which did not require legislative action, in an amount not to exceed Ninety Nine Thousand Three Hundred Ninety Eight Dollars and Ten Cents (\$99,398.10); and

**WHEREAS**, the Department of Public Works entered into Renewal Agreement Number 2 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 12-R-1364 adopted by the City Council on October 15, 2012 and approved per City Charter Section 2-403 on October 24, 2012 giving a new expiration date of December 25, 2013; and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 7 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters to include additional unit price line items for Bridges via Resolution 12-R-1729 adopted by the City Council on December 3, 2012 and approved per City Charter Section 2-403 on December 12, 2012; and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 8 (Administrative Change Order) with C.P. Richards in January 2013, which did not require legislative action, in an amount not to exceed Forty Five Thousand One Hundred Ninety Five Dollars and Eighty Eight Cents (\$45,195.88); and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 9 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters for the Barge Road at Campbellton Intersection Improvement Project in an amount not to exceed Thirty Seven Thousand One Hundred Ninety Four Dollars and One Cent (\$37,194.01) via Resolution 13-R-0301 adopted by the City Council on March 4, 2013 and approved per City Charter Section 2-403 on March 13, 2013; and



**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 10 with C.P. Richards, for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters in an amount not to exceed Four Hundred Eighty Eight Thousand Six Hundred Seventeen Dollars and No Cents (\$488,617.00) via Resolution 13-R-0422 adopted by the City Council on March 18, 2013 and approved per City Charter Section 2-403 on March 27, 2013; and

**WHEREAS**, the Department of Public Works entered into Amendment Agreement Number 11 with C.P. Richards, for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters to include additional unit price line items for recycled concrete via Resolution 13-R-3006 adopted by the City Council on May 6, 2013 and approved per City Charter Section 2-403 on May 15, 2013; and

**WHEREAS**, the Department of Watershed Management entered into Amendment Agreement Number 12 with C.P. Richards, for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters in an amount not to exceed Five Hundred Thirty Three Thousand Forty Eight Dollars and Ninety Cents (\$533,048.90) via Resolution 13-R-3242 adopted by the City Council on June 17, 2013 and approved per City Charter Section 2-403 on June 26, 2013; and

**WHEREAS**, C.P. Richards has performed the contracted services satisfactorily; and

**WHEREAS**, the Department of Public Works desires to enter into Amendment Agreement Number 13 with C.P. Richards, for FC-4943A to extend the term of the agreement on a month-to-month basis for a period not to exceed six (6) months; and

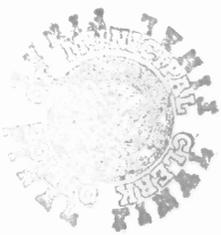
**WHEREAS**, the Commissioner of the Department of Public Works recommends Amendment Agreement Number 13 for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters.

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

**SECTION 1:** That the Mayor, or his designee, is authorized to enter into Amendment Agreement Number 13 for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters with C.P. Richards to extend the term of the agreement on a month-to-month basis for a period not to exceed six (6) months on behalf of the Department of Public Works.

**SECTION 2:** That Article X, of the Real Estate and Procurement Code, of the City of Atlanta Code of Ordinances, specifically including and without limitation, "Division 4. Source Selection and Contract Formation" is hereby waived to the extent applicable to meet the intent and purpose of this ordinance.

**SECTION 3:** That the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate Agreement for execution by the Mayor, or his designee.



**SECTION 4:** That the Agreement will not become binding upon the City, and the City will incur no liability under it until the Agreement has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to CP Richards Construction Inc.

A true copy,

A handwritten signature in black ink, appearing to be "A. Williams", written over a horizontal line.

Deputy Clerk

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

DEC 02, 2013  
DEC 11, 2013

RCS# 3178  
12/02/13  
3:26 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I:EXCEPT  
13-O-1333,1334,1264,1395,13-R-3783,3785  
ADOPT

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

Y Smith	Y Archibong	Y Moore	Y Bond
B 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

+

		12-02-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-1100	41. 13-R-3792	79. 13-R-3806
2. 13-O-1398	42. 13-R-3850	80. 13-R-3807
3. 13-O-1386	43. 13-R-3851	81. 13-R-3808
4. 13-O-1387	44. 13-R-3852	82. 13-R-3809
5. 13-O-1400	45. 13-R-3853	83. 13-R-3810
6. 13-O-1401	46. 13-R-3854	84. 13-R-3811
7. 13-O-1402	47. 13-R-3855	85. 13-R-3812
8. 13-O-1403	48. 13-R-3856	86. 13-R-3813
9. 13-O-1404	49. 13-R-3857	87. 13-R-3814
10. 13-O-1405	50. 13-R-3858	88. 13-R-3815
11. 13-O-1406	51. 13-R-3859	89. 13-R-3816
12. 13-O-1407	52. 13-R-3869	90. 13-R-3817
13. 13-O-1408	53. 13-R-3786	91. 13-R-3818
14. 13-O-1411	54. 13-R-3846	92. 13-R-3819
15. 13-O-1412	55. 13-R-3849	93. 13-R-3820
16. 13-O-1413	56. 13-R-3871	94. 13-R-3821
17. 13-O-1415	57. 13-R-3872	95. 13-R-3822
18. 13-O-1389	58. 13-R-3795	96. 13-R-3823
19. 13-O-1390	59. 13-R-3796	97. 13-R-3824
20. 13-O-1391	60. 13-R-3873	98. 13-R-3825
21. 13-O-1392	61. 13-R-3874	99. 13-R-3826
22. 13-O-1397	62. 13-R-3875	100. 13-R-3827
23. 13-O-1388	63. 13-R-3876	101. 13-R-3828
24. 13-O-1356	64. 13-R-3877	102. 13-R-3829
25. 13-O-1393	65. 13-R-3878	103. 13-R-3830
26. 13-O-1210	66. 13-R-3782	104. 13-R-3831
27. 13-O-1262	67. 13-R-3860	105. 13-R-3832
28. 13-O-1325	68. 13-R-3777	106. 13-R-3833
29. 13-O-1326	69. 13-R-3779	107. 13-R-3834
30. 13-R-3794	70. 13-R-3797	108. 13-R-3835
31. 13-R-3861	71. 13-R-3798	109. 13-R-3836
32. 13-R-3862	72. 13-R-3799	110. 13-R-3837
33. 13-R-3863	73. 13-R-3800	111. 13-R-3838
34. 13-R-3864	74. 13-R-3801	112. 13-R-3839
35. 13-R-3865	<b>ITEMS ADVERSED ON</b>	113. 13-R-3840
36. 13-R-3866	<b>CONSENT</b>	114. 13-R-3841
37. 13-R-3867	75. 13-R-3802	115. 13-R-3842
38. 13-R-3689	76. 13-R-3803	116. 13-R-3843
39. 13-R-3778	77. 13-R-3804	117. 13-R-3844
40. 13-R-3790	78. 13-R-3805	118. 13-R-3845