

#37

130/1403

3331

13-0-1403

(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
BY COUNCILMEMBER *[Signature]*

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 6 WITH KEMI CONSTRUCTION, INC. FOR FC-4943B, 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.

ADOPTED BY

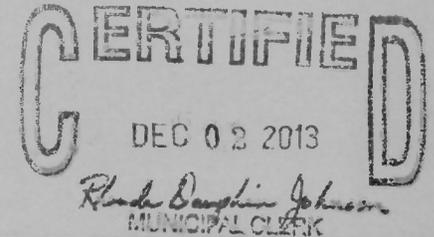
DEC 0 2 2013

Committee E/E
Date 11/25/13
Chair [Signature]
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____

Members _____
[Signatures]
Refer To _____

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

Members _____
Refer To _____



- CONSENT REFER
- REGULAR REPORT REFER COUNCIL
- ADVERTISE & REFER
- 1ST ADOPT 2ND 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 _____
Refer To _____

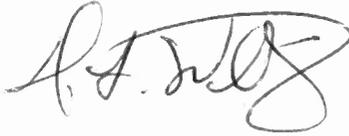
Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____

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 6 WITH KEMI CONSTRUCTION, INC. FOR FC-4943B, 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 of Atlanta ("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-1547 on September 21, 2009, and the Mayor approved the same on September 25, 2009, which authorized the Agreement for FC-4943B with Kemi Construction, Inc.; 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 20, 2009 through October 19, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 1 with Kemi Construction, Inc. for FC-4943B, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1928 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 Two Thousand Two Hundred Forty Seven Dollars and Seventy Eight Cents (\$332,247.78); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 2 with Kemi Construction, Inc. for FC-4943B, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters via Resolution 10-R-1267 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 One Thousand One Hundred Seventy Three Dollars and Eighty Five Cents (\$401,173.85); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 3 with Kemi Construction, Inc. for FC-4943B, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters via Resolution 10-R-1825 adopted by the City Council on November 1, 2010 and approved as per City Charter Section 2-403 on November 24, 2009 in an amount not to exceed One Hundred Eighty Seven Thousand Four Hundred Sixty Dollars and Forty Four Cents (\$187,460.44); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 4 with Kemi Construction, Inc. for FC-4943B, Annual Contract to Construct Sidewalks,



Driveways, Curbs, and Gutters via Resolution 11-R-0084 adopted by the City Council on January 18, 2011 and approved as per City Charter Section 2-403 on January 27, 2011 in an amount not to exceed Eight Hundred Seventeen Thousand Six Hundred Dollars (\$817,600.00); and

WHEREAS, the Chief Procurement Officer authorized a 90-day extension of the Contract on September 27, 2011 giving a new expiration date of January 17, 2012; and

WHEREAS, the Department of Public Works entered into Renewal Agreement Number 1 with Kemi Construction, Inc. for FC-4943B, 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-1739 adopted by City Council on December 6, 2011 and approved by the Mayor on December 12, 2011 giving a new expiration date of January 16, 2013; and;

WHEREAS, the Department of Public Works entered into Renewal Agreement Number 2 with Kemi Construction, Inc. for FC-4943B, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters for time only via Resolution 12-R-1362 adopted by the City Council on October 15, 2012 and approved per City Charter Section 2-403 on October 24, 2012; and

WHEREAS, the Department of Public Works submitted Amendment Agreement Number 5 with Kemi Construction, Inc. for FC-4943B, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 12-R-1730 to include additional unit price line items for bridges, but said legislation was not passed, and instead, was field by the City Council on January 22, 2013; and

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

WHEREAS, the Department of Public Works desires to enter into Amendment Agreement Number 6 with Kemi Construction, Inc. for FC-4943B 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 Number 6 for FC-4943B, 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 6 for FC-4943B, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters with Kemi Construction, Inc. 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 Kemi Construction, Inc.

A true copy,

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	ITEMS ADVERSED ON	113. 13-R-3840
36. 13-R-3866	CONSENT	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