#34

3335

13- 0 -1406

1301406

(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 A. J. Fitch

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 11 WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, 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

COUNCIL

Committee	Date	Chair	Action	Other	Members	Refer To
F/E	11/25/13	Felicia A. Moore	Fav, Adv, Hold (see rev. side)		M. Archibald, Hoyt Shed, Alex Wan, Jadrean	

Committee	Date	Chair	Action	Other	Members	Refer To

CERTIFIED

CERTIFIED DEC 0 2 2013 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED DEC 0 2 2013 Rhonda Dauphin Johnson MUNICIPAL CLERK

☐ CONSENT REFER

☐ REGULAR REPORT REFER

☐ 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	Other	Members	Refer To

Committee	Date	Chair	Action	Other	Members	Refer To

MAYOR'S ACTION

APPROVED

DEC 1 - 2013

WITHOUT SIGNATURE BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

13-O-1406

AN ORDINANCE
BY COUNCILMEMBER

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 11 WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, 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-1550 on September 21, 2009, and the Mayor approved the same on September 25, 2009 which authorized the Agreement for FC-4943E with Tople 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 Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveway, Curbs and Gutters via Resolution 09-R-1877 adopted by the City Council on November 2, 2009 and approved by the Mayor on November 6, 2009 in an amount not to exceed Two Hundred Fifty Thousand Dollars ($250,000.00); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 2 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveway, Curbs and Gutters via Resolution 09-R-1925 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 Four Thousand Eight Hundred Ninety Five Dollars and Eighty Six Cents ($334,895.86); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 3 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1060 adopted by the City Council on June 21, 2010 and approved by the Mayor on June 29, 2010 in an amount not to exceed Two Hundred Eighty Thousand Dollars ($280,000.00); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 4 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1270 adopted by the City Council on July 19, 2010 and approved by

the Mayor on July 27, 2010 in an amount not to exceed Two Hundred Sixty Five Thousand Eight Hundred Ninety Nine Dollars and Forty Five Cents ($265,899.45); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 5 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1827 adopted by City Council on November 1, 2010 and approved per City Charter Section 2-403 on November 10, 2011 in an amount not to exceed Four Hundred Eighty One Thousand Seven Hundred Seventy One Dollars and Sixteen Cents ($481,771.16); and

WHEREAS, the Department of Public Works submitted Amendment Agreement Number 6 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-2222 filed by City Council on February 7, 2011 in an amount not to exceed Seventy Eight Thousand Four Hundred Ninety Six Dollars and Twenty Cents ($78,496.20); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 7 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 11-R-0086 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 One Hundred Thirty Seven Thousand Six Hundred Dollars and No Cents ($1,137,600.00); 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 Tople Construction, Inc., 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-1734 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 Renewal Agreement Number 2 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters for time only via Resolution 12-R-1360 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 submitted Amendment Agreement Number 8 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 12-R-1733 to include additional unit price line items for bridges, but said legislation was not passed, and instead, was filed by the City Council on January 22, 2013; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 9 with Tople Construction, Inc., for FC-4943E, 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-0425 adopted by the City Council on March 18, 2013 and adopted per City Charter Section 2-403 on March 27, 2013; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 10 with Tople Construction, Inc., for FC-4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters to include additional unit price line items for recycled concrete via Resolution 13-R-3009 adopted by City Council on May 6, 2013 and approved per City Charter Section 2-403 on May 15, 2013; and

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

WHEREAS, the Department of Public Works desires to enter into Amendment Agreement Number 11 with Tople Construction, Inc., for FC-4943E 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 11 for FC-4943E, Annual Contract to Construct Sidewalks, 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-4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters with Tople 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 Tople Construction, Inc.

A true copy.

Deputy Clerk

ADOPTED by the Atlanta City Council DEC 02, 2013
APPROVED as per City Charter Section 2-403 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

		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 CONSENT**	113. 13-R-3840
36. 13-R-3866	75. 13-R-3802	114. 13-R-3841
37. 13-R-3867	76. 13-R-3803	115. 13-R-3842
38. 13-R-3689	77. 13-R-3804	116. 13-R-3843
39. 13-R-3778	78. 13-R-3805	117. 13-R-3844
40. 13-R-3790		118. 13-R-3845