

AN ORDINANCE BY
COUNCILMEMBER HOWARD SHOOK



AN ORDINANCE TO CORRECT THE AUTHORIZED CONTRACTUAL FUNDING AMOUNT LISTED IN RESOLUTION NO. 11-R-0338 FROM FOUR MILLION, SIXTY-THREE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND THIRTY-EIGHT CENTS (\$4,063,873.38) TO EIGHT MILLION, ONE HUNDRED TWENTY-ONE THOUSAND, SIX HUNDRED FIFTY DOLLARS AND FORTY CENTS (8,121,650.40); TO CORRECT CITY OF ATLANTA'S SHARE OF THE PROJECT COST FROM TWO MILLION, THIRTY-ONE THOUSAND, NINE HUNDRED THIRTY-SIX DOLLARS AND SIXTY-NINE CENTS (\$2,031,936.69) TO FOUR MILLION, SIXTY THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND TWENTY CENTS (\$4,060,825.20) FOR THE PURPOSE OF AUTHORIZING ADDITIONAL FUNDING AMOUNTS FOR YEAR TWO (2) IN ADDITION TO YEAR ONE (1) OF THE RENEWAL NO. 1 TERM; TO WAIVE THE PAYMENT PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE FOR THE PURPOSE OF AUTHORIZING PAYMENTS UNDER THE AGREEMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") and Fulton County, Georgia ("County") jointly own certain land ("Property") located in Land Lots 137, 138, 139 and 140, First District, First Section, Fulton County, Georgia and jointly own and operate a water treatment facility, known as the Atlanta-Fulton County Water Treatment Plant ("AFCWTP"), located in Johns Creek, Georgia; and

WHEREAS, the City and County jointly own and operate the AFCWTP through a joint venture agreement ("Joint Venture Agreement"), doing business as the Atlanta-Fulton County Water Resources Commission ("AFCWRC"); and

WHEREAS, the AFCWRC entered into FC-6005007928, Operation and Maintenance Service of the Atlanta-Fulton County Water Treatment Facility ("Agreement") with Veolia Water North America-South/Khafra Engineering Consultants, a Joint Venture ("Contractor"), pursuant to Resolution No. 05-R-2417; and

WHEREAS, the term of the Agreement is for five (5) years with two (2) two (2) year renewal options to be exercised at AFCWRC's sole discretion, effective April 2, 2006 through April 1, 2011; and

WHEREAS, the City, as a joint venture member of the AFCWRC and co-owner of the AFCWTP, authorized Renewal Agreement No. 1 of the Agreement with a term of April 2, 2011 through April 1, 2013, pursuant to Resolution No. 11-R-0338 (the "Legislation"), which erroneously authorized funding for only the first year of Renewal No. 1 term and excluded amounts to cover funding for the second year of the Renewal No. 1 term, said incorrect amounts

being referenced as a total not to exceed amount of Four Million, Sixty-Three Thousand, Eight Hundred Seventy-Three Dollars and Thirty-Eight Cents (\$4,063,873.38), with the City's share of the costs incorrectly listed as an amount not to exceed Two Million, Thirty-One Thousand, Nine Hundred Thirty-Six Dollars and Sixty-Nine Cents (\$2,031,936.69); and

WHEREAS, the City desires to amend Resolution No. 11-R-0338 to correct the total contract amount and the City's share of the cost under the Agreement to reflect both year 1 and year 2 of the Renewal No. 1 term, as referenced below and otherwise authorize payments made to the Contractor in accordance with the City's obligations under the Joint Venture Agreement and as otherwise budgeted and appropriated through the AFCWRC.

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

SECTION 1:

Resolution No. 11-R-0338 is hereby amended to reflect that the total contract amount authorized for Renewal No. 1 shall not exceed Eight Million, One Hundred Twenty-One Thousand, Six Hundred Fifty Dollars and Forty Cents (\$8,121,650.40); with the City's share of such costs being an amount not to exceed Four Million, Sixty Thousand, Eight Hundred Twenty-Five Dollars and Twenty Cents (\$4,060,825.20), (\$2,030,412.60 from April 1, 2011 through March 31, 2012 and \$2,030,412.60 from April 1, 2012 through March 31, 2013), which shall amend Resolution No. 11-R-0338 wherever such amounts appear in the original legislation; provided that all other sections of Resolution No. 11-R-0338 not expressly amended herein shall remain unchanged and in full force and effect.

SECTION 2:

All payments made from the City to AFCWRC and/or Veolia Water North America-South/Khafra Engineering Consultants, a Joint Venture for the purpose of contributing the City's share of the costs under the Agreement for services rendered by the Contractor during Renewal No. 1 are hereby ratified and otherwise authorized.

SECTION 3:

All ordinances and resolutions in conflict with this Ordinance, including without limitation Section 2-1212, of Chapter 2 of Article X of the City of Atlanta's Code of Ordinances is hereby waived to the extent of the conflict.