

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE TO AUTHORIZE THE CITY OF ATLANTA, AS A JOINT VENTURE MEMBER OF THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION AND CO-OWNER OF THE ATLANTA-FULTON COUNTY WATER TREATMENT PLANT TO WAIVE THE LOCAL BIDDER PREFERENCE PROVISIONS OF ARTICLE X, SECTION 2-1188.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR FC-6487, AFCWTP PHASE I PLATE SETTLER REPLACEMENT AND STREAM RELOCATION FOR THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION; AND FOR OTHER PURPOSES.

Review List:

Jo Ann Macrina	Skipped	04/22/2013 4:10 PM
Patrick McShane	Skipped	04/22/2013 4:10 PM
Mayor's Office	Skipped	04/22/2013 4:10 PM
Office of Research and Policy Analysis	Skipped	04/22/2013 4:10 PM
Finance/Executive Committee	Completed	05/07/2013 1:23 PM
Finance/Executive Committee	Completed	05/17/2013 4:05 PM
Atlanta City Council	Pending	
Atlanta City Council	Completed	05/17/2013 1:37 PM
Finance/Executive Committee	Completed	05/17/2013 4:05 PM

HISTORY:

05/01/13 Finance/Executive Committee REFERRED TO COMMITTEE Next:
05/15/13

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 5/15/2013 1:00 PM
AYES:	Watson, Wan, Moore, Adrean, Martin, Shook	

05/06/13 Atlanta City Council REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 5/15/2013 1:00 PM
AYES:	Watson, Wan, Martin, Smith, Shook, Winslow, Moore, Willis, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean	

05/15/13 Finance/Executive Committee FAVORABLE

RESULT:	FAVORABLE [6 TO 0]	Next: 5/20/2013 1:00 PM
AYES:	Wan, Archibong, Moore, Adrean, Martin, Shook	
AWAY:	Aaron Watson	

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

LEGISLATION HISTORY – BLUE BACK

**ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE TO AUTHORIZE THE CITY OF ATLANTA, AS A JOINT VENTURE MEMBER OF THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION AND CO-OWNER OF THE ATLANTA-FULTON COUNTY WATER TREATMENT PLANT TO WAIVE THE LOCAL BIDDER PREFERENCE PROVISIONS OF ARTICLE X, SECTION 2-1188.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR FC-6487, AFCWTP PHASE I PLATE SETTLER REPLACEMENT AND STREAM RELOCATION FOR THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION; 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 Commission will advertise for solicitation of bids for the removing deteriorated non-metallic plate settlers and re-locating a portion of a small stream within the plant property ("Project"), known as FC-6487, AFCWTP Phase I Plate Settler Replacement and Stream Relocation ("Solicitation"); and

WHEREAS, in accordance with Article X, Section 2-1188.1 of the City of Atlanta Code of Ordinances, the Solicitation included compliance with the City's local bidder preference program ("LBP"); and

WHEREAS, Fulton County, as the City's joint venture partner is prohibited by state law from evaluating, awarding or executing a contract to a contractor on any basis other than a strict calculation of the lowest responsive and responsible bidder, and as such, the County cannot participate in the Project with and inclusion of the City's local bidder preference program as a matter of state law; and

WHEREAS, the City's local bidder preference program does not include an option to waive the LBP in a City contract, and as such, the City must waive the LBP by this ordinance to comply with Fulton County's legal requirements and limitations, set by state law; and

WHEREAS, Fulton County has requested the City waive the application of the LBP for the Project so that the Project can proceed with evaluation of bidders and recommendation of award without regard to the City's LBP ordinance in compliance to comport with state law; and

WHEREAS, it is the recommendation of the City Attorney and the Commissioner of the Department of Watershed Management to waive the LBP for the Project.

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

SECTION 1:

That Article X Division Section 2-1181.1 of the City of Atlanta Code of Ordinances is hereby waived to the extent of the conflict and FC-6487, AFCWTP Phase I Plate Settler Replacement and Stream Relocation is otherwise exempt from application of the City's local bidder preference requirement.

SECTION 2:

That all ordinances in conflict with the provisions of this ordinance are waived to the extent of such conflict.