

1301404

**AN ORDINANCE
BY COUNCILMEMBER**



AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 13 WITH PRECISION 2000, INC. FOR FC-4943C, 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-1548 on September 21, 2009, and the Mayor approved the same on September 25, 2009 which authorized the Agreement for FC-4943C with Precision 2000, 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 16, 2009 through October 15, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 1 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1713 adopted by the City Council on October 5, 2009 and approved by the Mayor on October 13, 2009 in an amount not to exceed Two Hundred Ninety Four Thousand Seven Hundred Eight Dollars (\$294,708.00); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 2 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1927 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 Ninety Four Thousand Two Hundred Ninety Two Dollars and Ninety Two Cents (\$794,292.92); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 3 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-2184 adopted by the City Council on December 7, 2009 and approved by the Mayor on December 15, 2009 in an amount not to exceed One Hundred Ninety Two Thousand Nine Hundred Sixty Six Dollars and Eleven Cents (\$192,966.11); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 4 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1061 adopted by the City Council on June 21, 2010 and approved

by the Mayor on June 29, 2010 for the Metropolitan Parkway Sidewalk Project in an amount not to exceed Three Hundred Ten Thousand Five Hundred Thirty Eight Dollars and Five Cents (\$310,538.05); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 5 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1271 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 Million Two Hundred Twelve Thousand Six Hundred Two Dollars and Ninety Four Cents (\$2,212,602.94); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 6 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1828 adopted by City Council on November 1, 2010 and approved as per City Charter Section 2-403 on November 10, 2010 in an amount not to exceed Five Hundred Seventy Nine Thousand Four Hundred Fifty Three Dollars and Twenty Three Cents (\$579,453.27); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 7 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 11-R-0085 adopted by 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 One Million Two Hundred Nine Thousand Six Hundred Eight Six Dollars (\$1,209,686.00); 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 14, 2012; and

WHEREAS, the Department of Public Works entered into Renewal Agreement Number 1 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs & Gutters for time only and to add "Brick" as an additional line item via Resolution 11-R-1736 adopted by 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 SD&C., Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs & Gutters for time only via Resolution 12-R-1363 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 January 14, 2014; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 8 with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters to include additional unit price line items for Bridges via Resolution 12-R-1731 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 9 (Administrative Change Order) with Precision 2000, Inc. in November 2012, which did not

require legislative action, in an amount not to exceed Two Hundred Ten Thousand One Hundred Eighty Four Dollars and Sixty Four Cents (\$210,184.64); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 10 (Administrative Change Order) with Precision 2000, Inc., in January 2013, which did not require legislative action, in an amount not to exceed One Hundred Twelve Thousand Nine Hundred Fifty Six Dollars and Ten Cents (\$112,956.10); and

WHEREAS, the Department of Public Works will entered into Amendment Agreement Number 11 with Precision 2000, Inc., for FC-4943C, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters in an amount not to exceed Three Hundred Eighteen Thousand Dollars and No Cents (\$318,000.00) via Resolution 13-R-0540 adopted by the City Council on April 15, 2013 and approved per City Charter Section 2-403 on April 24, 2013; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 12 with Precision 2000, Inc., for FC-4943C, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters to include additional unit price line items for recycled concrete via Resolution 13-R-3007 adopted by the City Council on May 6, 2013 and approved per City Charter Section 2-403 on May 15, 2013; and

WHEREAS, Precision 2000, Inc. has performed the contracted services satisfactorily; and

WHEREAS, the Commissioner of the Department of Public Works desires to enter into Amendment Agreement Number 13 with Precision 2000, Inc. for FC-4943C 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-4943C, 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-4943C, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters with Precision 2000, 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 Precision 2000, Inc.