

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

13- R -0423

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 12 WITH SD&C, INC., FOR FC-4943D, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTEEN THOUSAND DOLLARS AND NO CENTS (\$318,000.00); WITH ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

WHEREAS, the 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-1549 on September 21, 2009, and the Mayor approved the same on September 25, 2009 which authorized the Agreement for FC-4943D with SD&C, 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 2, 2009 through October 1, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 1 with SD&C, Inc, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1926 adopted by the City Council on November 16, 2009 and approved by the Mayor on November 24, 2009 in an amount not to exceed Six Hundred Fifty Four Thousand One Hundred Seventy Three Dollars and Seventy Eight Cents (\$654,173.78); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 2 with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1269 adopted by the City Council on July 19, 2010 and approved by the Mayor on July 27, 2010 in an amount not to exceed Seven Hundred Sixty One Thousand Three Hundred Twenty Nine Dollars and Six Cents (\$761,329.06); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 3 for certain Redevelopment projects along Peachtree Street and certain surrounding areas with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Ordinance 10-O-1692 adopted by the City Council on October 18, 2010 and approved per City Charter Section 2-403 on October 27, 2010 in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 4 with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1826 adopted by the City Council on November 1, 2010 and approved per City

Charter Section 2-403 on November 10, 2010 in an amount not to exceed Six Hundred Thirty Nine Thousand Two Hundred Forty Six Dollars and Forty Two Cents (\$639,246.42); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 5 with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 11-R-0087 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 Five Hundred Twenty Five Thousand Five Hundred Ninety Three Dollars (\$1,525,593.00); and

WHEREAS, the Department of Parks, Recreation, and Cultural Affairs submitted Amendment Agreement Number 6 with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-2223 in an amount not to exceed Sixty Four Thousand Nine Hundred Forty Seven Dollars and Fifty Cents (\$64,947.50) but said legislation was not passed, and instead, was filed by the City Council on February 7, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 7 with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 11-R-1423 adopted by City Council on October 3, 2011 approved per City Charter Section 2-403 on October 12, 2011 in an amount not to exceed Two Hundred Dollars (\$200,000.00); and

WHEREAS, the Department of Public Works entered into Amendment Number 8 with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 11-R-1502 adopted by the City Council on November 7, 2011 and approved per City Charter on November 16, 2011 in an amount not to exceed Two Hundred Twenty Five Thousand Dollars (\$225,000.00); and

WHEREAS, the Chief Procurement Officer authorized a 90-day extension of the Contract on September 27, 2011 giving a new expiration date of December 29, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 9 (Administrative Change Order) with SD&C, Inc., in June 2012, which did not require legislative action, in an amount not to exceed One Hundred Seventeen Thousand Nine Hundred Ninety Eight Dollars and Seventy Five Cents (\$117,998.75); and

WHEREAS, the Department of Public Works entered into Renewal Agreement Number 1 with SD&C, 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-1735 adopted by the City Council on December 6, 2011 and approved by the Mayor on December 12, 2011 giving a new expiration date of December 29, 2012; and

WHEREAS, the Department of Public Works entered into Renewal Agreement Number 2 with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters for time only via Resolution 12-R-1361 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 27, 2013; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 10 with SD&C, Inc., Annual Contract to construct Sidewalks, Driveways, Curbs and Gutters via Resolution 12-R-1724 adopted by the City Council on November 19, 2012 and approved per City Charter Section 2-403 on November 28, 2012 for Peyton Road embankment and flooding issues in an amount not to exceed Ninety Seven Thousand Three Hundred Thirty Five Dollars and No Cents (\$97,335.00); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 11 with SD&C, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 12-R-1732 adopted by the City Council on December 3, 2012 and approved per City Charter Section 2-403 on December 12, 2012 for to include additional unit price line items for bridges and to provide construction services for the Adams Drive Bridge Project in an amount not to exceed One Million Three Hundred Fifty Four Thousand Three Hundred Seventeen Dollars and Seventy Cents (\$1,354,317.70); and

WHEREAS, the Department of Public Works desires to enter into Amendment Agreement Number 12 with SD&C, Inc., for FC-4943D, 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); and

WHEREAS, SD&C, Inc. has performed the contracted services satisfactorily; and

WHEREAS, the Commissioner of the Department of Public Works and the Chief Procurement Officer recommend Amendment Agreement Number 12 for FC-4943D, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor, or his designee, is authorized to enter into Amendment Agreement Number 12 for FC-4943D, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters with SD&C, Inc., on behalf of the Department of Public Works, in an amount not to exceed Three Hundred Eighteen Thousand Dollars and No Cents (\$318,000.00).

BE IT FURTHER RESOLVED, that all contracted work shall be charged to and paid from FDOA: 3508 (Capital Finance – Recovery Zone (Eco. Dev) Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 111318 (Rec Zone Economic Dev Bond) 105 350822049 22049 (Rec Zone Eco Dev Bond) 3508 (Capital Finance – Recovery Zone (Eco. Dev) Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 111318 (Rec Zone Economic Dev Bond) 107 350822049 22049 (Rec Zone Eco Dev Bond) 1001 (General Fund) 130308 (DPW Transportation Design) 5212001 (Consulting/Professional Services) 5414002 (Fac. Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 7701(Trust Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering 101619 (Citywide Sidewalk Program) 115 770191494 91494 (Trust Fund 9999) ; and PTAE0 Funding Source 13111318 105 350822049 5414002 COA 13111318 107 350822049 5414002 COA 1001

130308 5212001 4270000 COA 13101619 115 770191494 5414002 COA 131***** 1**
***** 5414002 COA.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, 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 SD&C, Inc.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Caption:

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 12 WITH SD&C, INC., FOR FC-4943D, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTEEN THOUSAND DOLLARS AND NO CENTS (\$318,000.00); WITH ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

Committee of Purview: City Utilities

Committee Meeting Date: March 12, 2013

Council Meeting Date: March 18, 2013

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to continue the construction of federally mandated ADA ramp projects, pedestrian crosswalks and various resurfacing projects.

2. Please provide background information regarding this legislation.

The projects will continue construction services under the City's five (5) Annual Sidewalk Contractors. CP Richards Construction, Kemi Construction, Precision 2000., Inc., SD&C Construction and Tople Construction.

3. If Applicable/Known:

(a) **Contract Type:** Construction Services

(b) **Source Selection:** Bids

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:** Two (2) years with an option to renew for two (2) on (1) year periods

4. Fund Department Account Center: FDOA: 3508 (Capital Finance – Recovery Zone (Eco. Dev) Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 111318 (Rec Zone Economic Dev Bond) 105 350822049 22049 (Rec Zone Eco Dev Bond) 3508 (Capital Finance – Recovery Zone (Eco. Dev) Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 111318 (Rec Zone Economic Dev Bond) 107 350822049 22049 (Rec Zone Eco Dev Bond) 1001 (General Fund) 130308 (DPW Transportation Design) 5212001 (Consulting/Professional Services) 5414002 (Fac. Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 7701(Trust Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 101619 (Citywide Sidewalk Program) 115 770191494 91494 (Trust Fund 9999) ; and PTAEO Funding Source 13111318 105 350822049 5414002 COA 13111318 107 350822049 5414002 COA 1001 130308 5212001 4270000 COA 13101619 115 770191494 5414002 COA 131***** 1** ***** 5414002 COA.

5. Source of Funds: General Fund, Trust, Recovery Zone

6. Fiscal Impact: \$318,000.00

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Lawrence Jeter

**LEGISLATIVE SUMMARY
FC-4943-D, ANNUAL CONTRACT FOR SIDEWALKS, DRIVEWAYS, CURBS
AND GUTTERS, AMENDMENT NO. 12**

TO: CITY UTILITIES COMMITTEE

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 12 WITH SD&C, INC., FOR FC-4943D, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTEEN THOUSAND DOLLARS AND NO CENTS (\$318,000.00); WITH ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES

Committee Meeting Date:	March 12, 2013
Council Meeting Date:	March 18, 2013
Legislation Title:	Annual Contract for Sidewalks, Driveways, Curbs and Gutters
Requesting Dept.:	Department of Public Works
Contract Type:	BID
Advertisement:	04/21/09
Bids/Proposals Due:	June 4, 2009
Invitations Mailed:	25
Bids/Proposals Received:	9 (1) Knight & Associates, Inc. (2) Kissberg Construction, Inc. (3) Precision 2000, Inc. (4) Kemi Construction, Inc. (5) C. P. Richard Construction, Inc. (6) RDK Construction, Inc. (7) Tople Construction, Inc. (8) Shaheeds Construction, Inc. (9) *SD & C, Inc.

**Denotes the Lowest Most Responsive and Responsible Bidder.*

Contractor: S D & C, Inc.

Estimated Value: \$318,000.00

Scope Summary: This Agreement is to provide side walk improvements for the Department of Public Works in the City of Atlanta.

Background: Original Agreement executed in the amount of \$1,508,810.62

Evaluation Team: Representatives from the Department of Public Works and the Office of Contract Compliance

Term of Contract: Two (2) years with two (2) one (1) year renewal options

Fund Account Centers: 3508 (Capital Finance – Recovery Zone (Eco. Dev) Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 111318 (Rec Zone Economic Dev Bond) 105 350822049 22049 (Rec Zone Eco Dev Bond) 3508 (Capital Finance – Recovery Zone (Eco. Dev) Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 111318 (Rec Zone Economic Dev Bond) 107 350822049 22049 (Rec Zone Eco Dev Bond) 1001 (General Fund) 130308 (DPW Transportation Design) 5212001 (Consulting/Professional Services) 5414002 (Fac. Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering) 7701(Trust Fund) 130308 (DPW Transportation Design) 5414002 (Facilities Other Than Bldgs/Infrastructure-CIP) 4270000 (Traffic Engineering 101619 (Citywide Sidewalk Program) 115 770191494 91494 (Trust Fund 9999) ; and PTAE0 Funding Source 13111318 105 350822049 5414002 COA 13111318 107 350822049 5414002 COA 1001 130308 5212001 4270000 COA 13101619 115 770191494 5414002 COA 131***** 1**
***** 5414002 COA

Prepared By:

Kimberly Lyons, Contracting Officer

Contact Number:

(404) 865-8521

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: (404) 330-6579

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: February 22, 2013

Anticipated Committee Meeting Date(s): March 12, 2013

Anticipated Full Council Date: March 18, 2013

Legislative Counsel's Signature: Saul Schultz

Commissioner's Signature: [Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: [Signature]

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 12 WITH SD&C, INC., FOR FC-4943D, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTEEN THOUSAND DOLLARS AND NO CENTS (\$318,000.00); WITH ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$318,000.00

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 2.22.13
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____ (date)