

**CITY COUNCIL
ATLANTA, GEORGIA**

08-O-0818

A CHARTER AMENDING ORDINANCE BY: COUNCILMEMBERS FELICIA A. MOORE, H. LAMAR WILLIS, JOYCE M. SHEPERD, C. T. MARTIN, MARY NORWOOD, IVORY LEE YOUNG, JR., HOWARD SHOOK, CLETA WINSLOW, NATALYN ARCHIBONG, CEASAR C. MITCHELL AND KWANZA HALL

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE MUNICIPAL HOME RULE ACT OF 1965(GA Laws 1965, P. 298, et. seq.) AS AMENDED TO AMEND PART 1, SUBPART A, ARTICLE VI, CHAPTER 3, SECTION 6-304 OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA. Laws 1996, P. 4469, et. seq.) APPROVED APRIL 15, 1996, AS AMENDED, BY AMENDING ARTICLE 3, CHAPTER 1, SECTION 3-104 (14) SO AS TO ADJUST THE LIMITATIONS UPON THE MAYOR'S PROCUREMENT AUTHORITY FROM \$300,000.00 TO \$100,000.00; TO AMEND ARTICLE 6, CHAPTER 4, SECTION 6-402, SO AS TO ADJUST THE LIMITATIONS ON THE MAYOR'S SMALL PURCHASE AUTHORITY FROM \$50,000.00 TO \$20,000.00 AND TO ADJUST THE THRESHOLD REQUIREMENT FOR APPROVAL OF COMPETITIVELY PROCURED CONTRACTS BY THE CITY COUNCIL OF ATLANTA FROM \$300,000.00 TO \$100,000.00; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City Council Adopted and the Mayor approved Charter Amendment Ordinance 06-O-0380, (Attachment A) January 2, 2007 and January 9, 2007 respectively; and

WHEREAS, Charter Amendment Ordinance 06-O-0380 sought to increase the limitations of 1) the Mayor's procurement authority from \$100,000.00 to \$300,000.00, 2) the Mayor's small purchase authority from \$20,000.00 to \$50,000.00, and 3) the threshold requirement for approval of competitively procured contracts by the City Council of Atlanta from \$100,000.00 to \$300,000.00; and

WHEREAS, Section 4 of Charter Amendment Ordinance 06-O-0380 set the effective date of the changes in the legislation as September 30, 2007; and

WHEREAS, In discussion in the City Council Finance/Executive Committee, it was determined that these and other changes to the Procurement Code should be effective after the successful implementation of the City ERP; and

WHEREAS, the City ERP was originally intended to be implemented in June 2007, but was delayed due to development problems; and

WHEREAS, the City ERP was implemented in January 2008; and

WHEREAS, ERP implementation and post production has not eliminated all of the concerns that are associated with the procurement of City supplies, equipment and services, and

WHEREAS, the City is in the midst of a budget crisis; with a decrease in projected revenues and increase in expenses, and

WHEREAS, the City Council desires to maintain a frugal manner in which City funds are expended: and

WHEREAS, increasing the procurement authority of the Mayor, the Mayor's small purchase authority and the threshold requirement for approval of competitively procured contracts by the City Council would increase the possibility of additional budget encumbrances without Council oversight; and

WHEREAS, the City Council desires to maintain the current procurement authority levels and not implement the procurement limits authorized under Charter Amendment Ordinance 06-O-0380.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That Article 3, Chapter 1, Section 3-104 (14) be amended by replacing the "not to exceed \$300,000.00" purchase amount with "not to exceed \$100,000.00."

SECTION 2: That Section 6-402 (a) Purchasing procedures be amended by replacing the "small purchases not exceeding \$50,000.00" purchase amount with "small purchases not exceeding \$20,000.00."

SECTION 3: That Section 6-402 (e) Purchasing procedures be amended by deleting Subsection (e) in its entirety and replacing it with a new Subsection (e) to read "Contractual work related to any competitive sealed bid or proposal shall not be broken into components or parts so as to avoid the council's approval of awards of greater than \$100,000.00."

Section 4: That a copy of this proposed amendment to the Charter of the City of Atlanta, Georgia 1996 Ga. L. (Act No. 1019, p. 4469), et.-seq. as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia," attached hereto and marked Exhibit "A and made a part of this ordinance, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City' of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior-to its final adoption by the Council of the City of Atlanta

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Municipal Clerk

ADOPTED by the City Council

VETOED by the Mayor

OVERRIDDEN by the City Council

May 19, 2008

May 27, 2008

June 02, 2008

2008-36 (08-O-0818)

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