

**AN ORDINANCE BY
COUNCILMEMBERS ALEX WAN AND YOLANDA ADREAN
AS AMENDED BY
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO AMEND PART II, CHAPTER 2, ARTICLE X, DIVISION 2, SECTION 2-1214, TO REQUIRE THE CHIEF PROCUREMENT OFFICER TO PROVIDE THE ATLANTA CITY COUNCIL WITH CERTAIN DOCUMENTATION REGARDING CONFLICTS OF INTEREST IN PROCUREMENT WITHIN THE SPECIFIC DUTIES OF THE CHIEF PROCUREMENT OFFICER AND DEPARTMENT OF PROCUREMENT STAFF; AND FOR OTHER PURPOSES.

WHEREAS, the Chief Procurement Officer's duties are set forth in Part II, Chapter 2, Article X, Division 2 of the City of Atlanta Code of Ordinances; and

WHEREAS, the Chief Procurement Officer's duties include "solicit[ing] and enter[ing] into contracts for the procurement of supplies, services, construction, professional or consultant services and real estate for all using agencies of the City"; and

WHEREAS, the centralization of procurement authority in the Chief Procurement Officer affords them the opportunity to assess the types of relationships which may conflict with the best interests of the City during the procurement process, as well as in the resulting contracts for supplies, services, construction, professional or consultant services and real estate; and

WHEREAS, it is in the best interest of the City to enhance transparency and to inform stakeholders that the Chief Procurement Officer provide with City Council with additional documentation of any possible conflicts of interests in the award of contracts.

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

SECTION 1: That Part II, Chapter 2, Article X, Division 4, Section 2-1214 of the Code of Ordinances, City of Atlanta, Georgia, is hereby amended and shall read as follows (new language in bold):

Sec. 2-1214. - Management of conflicts in source selection.

(a) The chief procurement officer shall require in all solicitations for competitive sealed bids or competitive sealed proposals that offerors disclose all organizational and personal relationships which may give rise to a conflict of interest if the offeror is awarded the contract. Disclosures must include the following categories:

(1) Personal relationships: Executives, board members and partners in firms submitting offers must disclose familial relationships with employees, officers and elected officials of the City of Atlanta. Familial relationships shall include spouse, domestic partner registered



under [section 94-133](#), mother, father, sister, brother, and natural or adopted children of an official or employee.

(2) Financial relationships: offerors must disclose any interest held with a city employee or official, or family members of a city employee or official, which may yield, directly or indirectly, a monetary or other material benefit to the offeror or the offeror's family members.

The chief procurement officer may require disclosure of additional types of relationships or interests if, in his sole discretion, such disclosure is in the best interests of the city.

(b) As early in the procurement process as possible and prior to award of a solicited contract, the chief procurement officer shall review the disclosures of the top three responsive and responsible offerors in a solicitation for competitive sealed proposals, or the three lowest responsive and responsible offerors in a solicitation for competitive sealed bids, to determine if personal or organizational conflicts of interests exist. The chief procurement officer shall make a written determination as to the existence of a conflict and the means by which such conflict may be mitigated or avoided. The written determination shall be maintained in the contract file.

(c) The chief procurement officer shall award the contract to the most responsible and responsive offeror in a solicitation for competitive sealed proposals, or the lowest responsive and responsible offeror in a solicitation for competitive sealed bids, unless a conflict of interest is determined to exist that cannot be avoided or mitigated.

(d) Before determining to withhold award of a contract based on conflict of interest considerations, the chief procurement officer shall notify the contractor, provide the reasons therefore, and allow the contractor a reasonable opportunity to respond. If the chief procurement officer finds that it is in the best interest of the city to award the contract notwithstanding a conflict of interest, the offeror shall submit a request for waiver. The waiver request and decision **(the Chief Procurement Officer's written conflict mitigation determination)** shall be included in the contract file. **The Chief Procurement Officer shall also provide both document to the City in his/her recommendation of award of the solicited contract (redacting any proprietary information as appropriate), and in the monthly contracts report provided to the Council President, all members of Council, and the Municipal Clerk.** Nothing in this section is intended to waive any ethical obligations which are imposed upon employees and officials of the city in article VII of the Atlanta City Code of Ordinances.

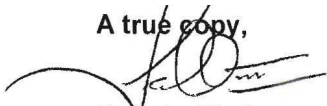
(e) In recommending award of a solicited contract, the chief procurement officer shall certify to the City Council **that he or she has received** from the successful offeror **that they have** disclosed its organizational and personal relationships and that award of the contract is appropriate under this section.

SECTION 2: Any ordinances in conflict with this ordinance are hereby waived to the extent of the conflict.

2017-23 (17-O-1182)

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A true copy,


Deputy Clerk

ADOPTED as amended by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAY 01, 2017
MAY 10, 2017