

AN ORDINANCE BY COUNCILMEMBER ANDRE DICKENS AS AMENDED BY FINANCE/EXECUTIVE COMMITTEE TO AMEND PART I (CHARTER AND RELATED LAWS), SUBPART A (CHARTER), ARTICLE 2 (LEGISLATIVE), CHAPTER 6 (CITY AUDITOR), SECTION 2-603 (POWERS AND DUTIES) TO INCLUDE THE FUNCTION OF AN INDEPENDENT PROCUREMENT REVIEW WITHIN THE CITY AUDITOR'S OFFICE; AND FOR OTHER PURPOSES.(FIRST READ 12/03/18)(SECOND READ, FIRST ADOPTION 1/22/19)

WHEREAS, Ordinance 18-O-1189, adopted by the Atlanta City Council on June 18, 2018 amended Section 2-603 of the City of Atlanta Code of Ordinances to create the function of an independent procurement review process within the City Auditor's Office; and

WHEREAS, the independent procurement review applied to all solicitations with an aggregate value of one million dollars (\$1,000,000.000) or greater; and

WHEREAS, it is necessary to provide the City Auditor's Office the ability to review all solicitations during the procurement process regardless of value; and

WHEREAS, furthermore, the Independent Procurement Review Officer must complete all steps of their review for all solicitations prior to any action taken by Council and their review must be attached to the legislation that would authorize the contract; and

WHEREAS, finally, the Independent Procurement Review Officer must notify all members of Council of any extensions to solicitations; and

WHEREAS, the Atlanta City Council desires to amend Section 2-603 of the City of Atlanta Code of Ordinances to reformat the section in a way that more clearly outlines the general responsibilities and authorities of the Independent Procurement Review Office and include these changes.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: Part 1 (Charter and Related Laws), Subpart A (Charter), Article 2 (Legislative), Chapter 6 (City Auditor), Section 2-603 (Powers and Duties), subsection (5), which currently reads:

- (5) To create, after consultation with the chief procurement officer, the function of Independent Procurement Review within the city auditor's office to:

- a. Assign Independent Procurement Review Officers to review all procurement records, as provided in section 2-1108, of solicitations with an aggregate value of \$1,000,000.00 or greater, seeking council authorization pursuant to sections 2-1188, 2-1189, 2-1191, 2-1191.1, or 2-1193 and conduct a conflict verification of each proponent responding to solicitations. Independent Procurement Review Officers shall not opine regarding the procurement process, but shall provide an Independent Procurement Review Report to the council that the contract file is complete, or note areas of perceived deficiencies;
- b. The Independent Procurement Review Report shall be included with all proposed legislation for contracts with an aggregate value of \$1,000,000.00 or greater seeking council authorization pursuant to sections 2-1188, 2-1189, 2-1191, 2-1191.1, or 2-1193 and shall include conflict verification. The council shall not approve legislation for contracts as described in this subsection without first having received the Independent Procurement Review Report.
- c. Independent Procurement Review Officer shall have the authority to observe all stages of the procurement process as provided in this Charter and the code. Independent Procurement Review Officers shall be provided all documents and resources by the chief procurement officer, or their designee, needed to complete any independent review. Independent Procurement Review Officers shall not opine upon or provide any management functions of the procurement process, and shall alert the city auditor to any perceived deficiencies or concerns in the procurement process that may require additional review.

Is hereby amended as follows (new language underlined and deletions struck-out):

- (5) ~~To create, after consultation with the chief procurement officer, the function of the Independent Procurement Review Office within the city auditor's office, to: Assign Independent Procurement Review Officers to review all procurement records, as provided in section 2-1108, of solicitations with an aggregate value of \$1,000,000.00 or greater, seeking council authorization pursuant to sections 2-1188, 2-1189, 2-1191, 2-1191.1, or 2-1193 and conduct a conflict verification of each proponent responding to solicitations. Independent Procurement Review Officers~~ The Office shall not opine regarding the procurement process, but shall provide an Independent Procurement Review Report to the council that the contract file is complete, or note areas of perceived deficiencies.; The Independent Procurement Review Officers will work in consultation with the Chief Procurement Officer on developing and refining review processes.

- a. General Responsibilities and Authorities of the Independent Procurement Review Office
 - (i) Independent Procurement Review Officers shall have the authority to perform independent reviews on solicitations of any value including retroactive procurements and emergency procurements.
 - (ii) Independent Procurement Review Officers shall have the authority to observe all stages of the procurement process as provided in this Charter and the code.

- (iii) Independent Procurement Review Officers shall be provided all documents and resources by the chief procurement officer, or their designee, needed to complete any independent review.
- (iv) Independent Procurement Review Officers shall provide notice to Council of any extensions or cancellations of solicitations or discretionary reviews that they conduct.

b. Review of Contracts with an Aggregate Value of One Million Dollars (\$1,000,000.00) or Greater

~~i) Assign Independent Procurement Review Officers to review all procurement records, as provided in section 2-1108, of~~ For solicitations with an aggregate value of \$1,000,000.00 or greater seeking council authorization pursuant to sections 2-1188, 2-1189, 2-1191, 2-1191.1, or 2-1193, an Independent Procurement Review Officer will be assigned to review all procurement records, as provided in section 2-1108, and conduct a conflict verification of each proponent responding to solicitations.

ii) The complete Independent Procurement Review Report shall include the tracking of procurement procedures, based on known risks, from the inception of the solicitation to the end.

iii) The Independent Procurement Review Report shall be included with all authorizing legislation recommending the awarding of a contract for all contracts with an aggregate value of \$1,000,000.00 or greater seeking council authorization. pursuant to sections 2-1188, 2-1189, 2-1191, 2-1191.1, or 2-1193 and shall include conflict verification. The council shall not approve legislation for contracts as described in this subsection without first having received the complete Independent Procurement Review Report.

iv) No contract shall be awarded unless the review process set forth in this section has been fully completed.

SECTION 2: That the changes to the Charter described in this ordinance shall become effective immediately.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith, are hereby waived for purposes of the ordinance only, and only to the extent of the conflict.

**CITY COUNCIL
ATLANTA, GEORGIA**

18-O-1769

SPONSOR SIGNATURES

Andre Dickens
Andre Dickens, Councilmember, Post 3 At Large

AN ORDINANCE BY COUNCILMEMBER ANDRE DICKENS AS AMENDED BY FINANCE/EXECUTIVE COMMITTEE TO AMEND PART I (CHARTER AND RELATED LAWS), SUBPART A (CHARTER), ARTICLE 2 (LEGISLATIVE), CHAPTER 6 (CITY AUDITOR), SECTION 2-603 (POWERS AND DUTIES) TO INCLUDE THE FUNCTION OF AN INDEPENDENT PROCUREMENT REVIEW WITHIN THE CITY AUDITOR’S OFFICE; AND FOR OTHER PURPOSES.

VOTE RECORD - ORDINANCE 18-O-1769							
<input type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input checked="" type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND							
			YES/AYE	NO/NAY	ABSTAIN	ABSENT	
		MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		MATT WESTMORELAND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		CARLA SMITH	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		AMIR R FAROKHI	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		CLETA WINSLOW	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		JENNIFER N IDE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		HOWARD SHOOK	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		JP MATZIGKEIT	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		DUSTIN HILLIS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		ANDREA L BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		MARCI COLLIER OVERSTREET	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		JOYCE M SHEPERD	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"><input type="checkbox"/> FAVORABLE AS AMENDED<input type="checkbox"/> RETURNED AS HELD<input type="checkbox"/> FAVORABLE ON CONDITION<input type="checkbox"/> FAVORABLE/SUB/CONDITION<input type="checkbox"/> QUADRENNIALY TERMINATED<input type="checkbox"/> QUESTION CALLED<input type="checkbox"/> ROUTED TO COW<input type="checkbox"/> SUSTAINED<input type="checkbox"/> OVERRIDEN<input type="checkbox"/> NOT ACCEPTED BY COMMITTEE<input type="checkbox"/> SUSTAINED W/O OBJECTION<input type="checkbox"/> TABLED W/O OBJECTION<input type="checkbox"/> HELD IN COW	
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[Unanimous]

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