

**A RESOLUTION
BY COUNCILMEMBER C. T. MARTIN
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AMENDMENT AGREEMENT NUMBER 6 FOR FC-6945, ANNUAL CONTRACT FOR STREET RESURFACING ACTIVITIES, WITH STEWART BROTHERS, INC., IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED EIGHTY THOUSAND DOLLARS AND NO CENTS (\$1,380,000.00) FOR THE CITY OF ATLANTA LOCAL MATCH FUNDS FOR STREET RESURFACING PROJECTS AUTHORIZED UNDER THE FY 16 LOCAL MAINTENANCE AND IMPROVEMENT GRANT PROGRAM FOR THE STATE OF GEORGIA; WITH ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did solicit bids for Contract Number FC-6945, Annual Contract for Street Resurfacing Activities ("Contract"); and

WHEREAS, the Atlanta City Council adopted Resolution 13-R-3672 on October 21, 2013, and the same was approved per City Charter Section 2-403 on October 30, 2013, which authorized the Contract for FC-6945 with Stewart Brothers, Inc.; and

WHEREAS, the base term of the Contract is for a period of one (1) year, with two (2) one (1)-year renewal options to be exercised at the sole discretion of the City; and

WHEREAS, the City entered into Amendment Agreement Number 1 of the Contract as authorized via Resolution 14-R-3831 adopted by the City Council on July 21, 2014 and approved per City Charter Section 2-403 on July 30, 2014; and

WHEREAS, the City entered into Amendment Agreement Number 2 of the Contract, as authorized via Resolution 14-R-4228 adopted by the City Council on October 6, 2014, and approved per City Charter Section 2-403 on October 15, 2014; and

WHEREAS, the Chief Procurement Officer authorized a 90-day extension of the Contract on December 23, 2014, giving a new expiration date of April 2, 2015; and

WHEREAS, the City entered into Renewal Agreement Number 1 with Stewart Brothers, Inc., for the Contract for street resurfacing activities, with a new expiration date of April 2, 2016 as authorized via Resolution 15-R-3342 adopted by the City Council on March 16, 2015, and approved per City Charter Section 2-403 on March 25, 2015; and

WHEREAS, the City entered into Amendment Agreement Number 3 of the Contract, as authorized via Resolution 15-R-3731 adopted by the City Council on July 6, 2015, and approved per City Charter Section 2-403 on July 15, 2015; and

WHEREAS, the City entered into Amendment Agreement Number 4 of the Contract, as authorized via Resolution 15-R-3925, adopted by the Atlanta City Council on September 8, 2015, and approved as per City Charter Section 2-403 on September 17, 2015; and

WHEREAS, the City entered into Renewal Agreement Number 2 with Stewart Brothers, Inc., for the Contract for street resurfacing activities, with a new expiration date of April 2, 2017 as authorized via Resolution 16-R-3262 adopted by the City Council on March 21, 2016, and approved per City Charter Section 2-403 on March 30, 2016; and

WHEREAS, the City entered into Amendment Agreement Number 5 of the Contract, as authorized via Resolution 16-R-3714, adopted by the Atlanta City Council on June 20, 2016 and approved as per City Charter Section 2-403 on June 29, 2016; and

WHEREAS, Stewart Brothers Inc., has performed the contracted services satisfactorily; and

WHEREAS, the Commissioner of the Department of Public Works recommends entering into Amendment Agreement Number 6 with Stewart Brothers, Inc., for FC-6945, for the City of Atlanta local match funds for street resurfacing projects authorized under the FY 16 Local Maintenance and Improvement Grant Program for the State of Georgia, in an amount not to exceed One Million Three Hundred Eighty Thousand Dollars and No Cents (\$1,380,000.00).

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 6 for FC-6945, Annual Contract for Street Resurfacing Activities, with Stewart Brothers, Inc., on behalf of the Department of Public Works, for the City of Atlanta local match funds for street resurfacing projects authorized under the FY 16 Local Maintenance and Improvement Grant Program for the State of Georgia, in an amount not to exceed One Million Three Hundred Eighty Thousand Dollars and No Cents (\$1,380,000.00).

BE IT FURTHER RESOLVED, that all contracted work shall be charged to and paid from FDOA: 1001 (General Fund) 130305 (DPW Roadways & Walkways) 5212001(Consulting/Professional) 4220000 (Roadways & Walkways)

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is hereby directed to prepare 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 obligation or 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, delivered to Stewart Brothers, Inc. and countersigned by that party.