

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Marva Lewis

Dept.'s Legislative Liaison: KAJARA ANDERSON

Contact Number: 404-330-6002

Originating Department: DEPARTMENT OF PUBLIC WORKS

Committee(s) of Purview: TRANSPORTATION COMMITTEE

Chief of Staff Deadline: November 26, 2018

Anticipated Committee Meeting Date(s): December 12, 2018

Anticipated Full Council Date: January 7, 2018

Legislative Counsel's Signature: *Wynne R. Kiker*

Commissioner's Signature: *[Signature]*

Chief Financial Officer: *[Signature]*

Chief Information Officer Signature (for IT Procurements) n/a

Chief Procurement Officer Signature: n/a

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE AMENDMENT NUMBER 1 TO THE INTERGOVERNMENTAL AGREEMENT WITH METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ("MARTA"), ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, FOR THE CONTINUED USE OF LOCAL FUNDS FROM MARTA IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED FIVE THOUSAND SEVEN HUNDRED SEVENTEEN DOLLARS AND FORTY-THREE CENTS (\$1,805,717.43) FOR THE COMPLETION OF TRANSPORTATION IMPROVEMENT PROJECTS AROUND MARTA TRANSIT STATIONS AND ROUTES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT - indicate dollar amount: \$1,805,717.43

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: *1/11/19 [Signature]*
(date)

Reviewed by: *M. [Signature]* *1/15/19*
(date)

Submitted to Council: _____ (date)

**A RESOLUTION
BY TRANSPORTATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE AMENDMENT NUMBER 1 TO THE INTERGOVERNMENTAL AGREEMENT WITH METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (“MARTA”), ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, FOR THE CONTINUED USE OF LOCAL FUNDS FROM MARTA IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED FIVE THOUSAND SEVEN HUNDRED SEVENTEEN DOLLARS AND FORTY-THREE CENTS (\$1,805,717.43) FOR THE COMPLETION OF TRANSPORTATION IMPROVEMENT PROJECTS AROUND MARTA TRANSIT STATIONS AND ROUTES; AND FOR OTHER PURPOSES.

WHEREAS, by virtue of action taken by the Atlanta Regional Commission (“ARC”) whereby certain federal funds were transferred to the Metropolitan Atlanta Rapid Transit Authority (“MARTA”), and, in exchange, MARTA committed to fund qualified projects contained in the Transportation Improvement Plan (“TIP”) from MARTA’s capital budget (for the installation of pedestrian accessibility and safety improvements in the public right-of-way near MARTA transit stations; and

WHEREAS, the City of Atlanta’s (“City”) share of funding in the form of grants from MARTA for qualifying projects in the TIP was Seven Million Six Hundred Forty-Nine Thousand Six Hundred Eighty Dollars and No Cents (\$7,649,680.00); and

WHEREAS, Resolution 10-R-1404, adopted by the Atlanta City Council on August 16, 2010, and approved by the Mayor, authorized the City to enter into an Intergovernmental Agreement with MARTA for the acceptance and administration of local funds for transportation improvement projects (“Projects”) around MARTA stations and bus route corridors in the amount of Seven Million Six Hundred Forty-Nine Thousand Six Hundred Eighty Dollars and No Cents (\$7,649,680.00); and

WHEREAS, the Projects include Americans with Disability Act (“ADA”) curb ramps upgrades, pedestrian accessibility and safety improvement projects around MARTA stations and bus route corridors; and

WHEREAS, on June 9, 2011, the Parties entered in the ARC MARTA Offset Funds Intergovernmental Agreement (the “June 9, 2011 Agreement”) whereby MARTA agreed to provide the City funds for the payment of work contracted for by the City in accordance with the Scope of Work defined in said Agreement for the completion of the Projects, said work to be completed no later than December 31, 2013; and

WHEREAS, the June 9, 2011 Agreement expired prior to the completed of the Projects; and

WHEREAS, Resolution 16-R-4049, adopted by the Atlanta City Council on August 15, 2016, and approved by operation of law on August 24, 2016, authorized the City to enter into a new Intergovernmental Agreement (“IGA”) with MARTA with an expiration date of December 31,

2018 in the amount of Two Million Eight Hundred Twenty-Five Thousand Six Hundred Ninety-Five Dollars and No Cents (\$2,825,695.00); and

WHEREAS, the City, on behalf of the Department of Public Works, desires to enter into Amendment Number 1 to the IGA with MARTA to extend the expiration date until December 31, 2020 to allow the City to retain use of the remaining local MARTA funds in an amount not to exceed One Million Eight Hundred Five Thousand Seven Hundred Seventeen Dollars and Forty Three Cents (\$1,805,717.43).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor, or her designee, is authorized to execute Amendment Number 1 to the Intergovernmental Agreement with MARTA to extend the expiration date until December 31, 2020 to allow the City to retain use of the remaining local MARTA funds in an amount not to exceed One Million Eight Hundred Five Thousand Seven Hundred Seventeen Dollars and Forty Three Cents (\$1,805,717.43).

BE IT FURTHER RESOLVED, that all contracted work shall be charged to and paid from the listed FDOA: 2501 (Intergovernmental Grant Fund) 130308 (DPW Transportation Design) 5999999 (Projects and Grants Budget-Summary) 4270000 (Traffic Engineering) 110871 (MARTA Trans Improvements); and PTAE0 Funding Source: 13110871 1** 250111932 5999999 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 Amendment Number 1 to the Intergovernmental Agreement will not become binding upon the City, and the City will incur no liability under it until it has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to MARTA.

EXHIBIT "A"

**ARC-MARTA OFFSET FUNDS
INTERGOVERNMENTAL AGREEMENT AMENDMENT ONE**

THIS AMENDMENT, (hereinafter referred to as "Amendment") entered into as of the _____ day of _____, 2018, by and between City of Atlanta, (hereinafter referred to as the "City") and the METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, (hereinafter referred to as "MARTA" or the "Authority").

WITNESSETH THAT:

WHEREAS, by virtue of action taken by the Atlanta Regional Commission (ARC) whereby certain federal funds were transferred to MARTA and, in exchange, MARTA committed to fund qualified projects contained in the Transportation Improvement Plan (TIP) from MARTA's capital budget (for the installation of pedestrian accessibility and safety improvements in the public right-of-way near MARTA transit stations); and

WHEREAS, The City's share of funding in the form of grants from MARTA for qualifying projects in the TIP is \$7,649,680.00; and

WHEREAS, The City has identified the projects defined herein ("the Projects") for funding from the City's share of funding in the amount of \$7,649,680.00 and

WHEREAS, the pre-qualified transportation improvement projects are listed as the: Americans with Disabilities Act ("ADA") Ramps and Pedestrian Accessibility & Safety Improvement Projects; and

WHEREAS, the Council of the City authorized the Mayor, by Resolution I0-R-1404, passed by the City Council on August 16, 2010, and approved by the Mayor, to enter into an Intergovernmental Agreement with MARTA; and

WHEREAS, on June 9, 2011 the Parties entered in the ARC MARTA Offset Funds Intergovernmental Agreement (the "June 9, 2011 Agreement") whereby MARTA agreed to provide to the City funds for payment of work contracted for by the City in accordance with the Scope of Work defined in said Agreement, said work to be completed no later than December 31, 2013; and

WHEREAS, the June 9, 2011 Agreement expired prior to the completion of the Projects and the parties entered into a Second ARC-MARTA Offset Funds Intergovernmental Agreement (Second Agreement); and

WHEREAS, the Second Agreement expired prior to the completion of the Projects; and

WHEREAS, the parties executed a new agreement (Third Agreement) to provide for the completion of the Project as defined in the Agreement; and

WHEREAS, the City has worked diligently towards completing the Project but needs additional time for Project completion.

NOW THEREFORE, in consideration of the promises and the mutual covenants and agreements contained herein, the parties hereto agree to amend the Agreement as follows:

1. Section 4, Time of Performance, is amended by striking "December 31, 2018" and substituting in lieu thereof, "December 31, 2020".
2. All other terms and conditions of the Agreement shall remain of full force and effect.

**METROPOLITAN ATLANTA
RAPID TRANSIT AUTHORITY**

By: _____
Jeffrey A. Parker, General Manager/CEO

ATTEST:

_____ (SEAL)

APPROVED AS TO FORM:


Counsel, Metropolitan Atlanta Rapid
Transit Authority

**CITY OF ATLANTA,
GEORGIA**

By: _____
Keisha Lance Bottoms, Mayor

ATTEST:

Municipal Clerk

APPROVED AS TO FORM:

APPROVED:

City Attorney

Commissioner, Dept of Public Works

APPROVED:

Chief Financial Officer

A. To be completed by Legislative Counsel:

Committee of Purview: TRANSPORTATION COMMITTEE

Caption:

A RESOLUTION AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT AMENDMENT ONE WITH METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ("MARTA") ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS FOR CONTINUED USE OF LOCAL FUNDS FROM MARTA IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED FIVE THOUSAND SEVEN HUNDRED SEVENTEEN DOLLARS AND FORTY-THREE CENTS (\$1,805,717.43) FOR THE COMPLETION OF TRANSPORTATION IMPROVEMENT PROJECTS AROUND MARTA TRANSIT STATIONS AND ROUTES; AND FOR OTHER PURPOSES.

Council Meeting Date: November 28, 2018

Legislation Title: INTERGOVERNMENTAL AGREEMENT AMENDMENT ONE WITH MARTA

Requesting Dept.: THE DEPARTMENT OF PUBLIC WORKS

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

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 authorize the execution of an Intergovernmental Agreement between the City of Atlanta and MARTA for the extension of the contract terms and to allow for the use of the remaining allocated MARTA funds.

2. Please provide background information regarding this legislation.

On August 16, 2010 the Atlanta City Council adopted Resolution 10-R-1404 and approved by the Mayor on August 24, 2010 which entered into an Intergovernmental Agreement ("Agreement") to accept local funds from Metropolitan Atlanta Rapid Transit Authority ("MARTA") in the amount of \$7,649,680.00 on behalf of the Department of Public Works. And on August 15, 2016 the Atlanta City Council adopted and the Mayor approved on August 24, 2016 as per City Charter Section 2-403 Resolution 16-R-4049 which allowed for the use of remaining funds for \$2,825,695.00 and extend the agreement until December 31, 2018. This agreement now allows for the remaining funds of **\$1,805,717.43** to be utilized for completion of projects near and around MARTA transit stations and routes with a new expiration date of December 31, 2020.

3. If Applicable/Known:

- (a) **Contract Type:** n/a
- (b) **Source Selection:** n/a

- (c) **Bids/Proposals Due:** n/a

- (d) **Invitations Issued:** n/a

- (e) **Number of Bids/Proposals Received:** n/a

- (f) **Bidders/Proponents:** n/a

- (g) **Background:** n/a

- (h) **Term of Contract:** n/a

4. Fund Account Center: 2501 (Intergovernmental Grant Fund) 130308 (DPW Transportation Design) 5999999 (Projects and Grants Budget-Summary) 4270000 (Traffic Engineering) 110871 (MARTA Trans Improvements)

5. Source of Funds: Intergovernmental Grant Fund (MARTA)

6. FISCAL IMPACT \$1,805,717.43

- Cost will be covered by the Department's current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department's current year budget –
see account string in legislation

Or

Note

7. Method of Cost Recovery:

- 8. Approvals:**
DOF:
DOL:

18-R-

Committee _____
 Date _____
 Chair _____
 Referred To _____

2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

A RESOLUTION AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE AMENDMENT NUMBER 1 TO THE INTERGOVERNMENTAL AGREEMENT WITH METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ("MARTA"), ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, FOR THE CONTINUED USE OF LOCAL FUNDS FROM MARTA IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED FIVE THOUSAND SEVEN HUNDRED SEVENTEEN DOLLARS AND FORTY-THREE CENTS (\$1,805,717.43) FOR THE COMPLETION OF TRANSPORTATION IMPROVEMENT PROJECTS AROUND MARTA TRANSIT STATIONS AND ROUTES; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: _____
 Referred To: _____
 Date Referred: _____
 Referred To: _____
 Date Referred: _____
 Referred To: _____

Committee _____	Committee _____	MAYOR'S ACTION
Date _____	Date _____	
Chair _____	Chair _____	
Action Fav, Adv, Hold (see rev. side) Other _____	Action Fav, Adv, Hold (see rev. side) Other _____	
Members _____	Members _____	
Refer To _____	Refer To _____	
Committee _____	Committee _____	
Date _____	Date _____	
Chair _____	Chair _____	
Action Fav, Adv, Hold (see rev. side) Other _____	Action Fav, Adv, Hold (see rev. side) Other _____	
Members _____	Members _____	
Refer To _____	Refer To _____	

CERTIFIED