

1 A RESOLUTION OF THE FULTON COUNTY BOARD OF COMMISSIONERS TO
2 ACCEPT THE CITY OF ATLANTA’S SELECTION OF BROWN AND CALDWELL | SL
3 KING AS THE WINNING BIDDER OF ITS PROCUREMENT FOR PROGRAM
4 MANAGEMENT SERVICES FOR THE TOM LOWE WATER TREATMENT PLANT
5 CONDUCTED ON BEHALF OF THE ATLANTA FULTON COUNTY WATER
6 RESOURCES COMMISSION (“AFCWRC”); TO AUTHORIZE THE AFCWRC TO
7 ENTER INTO A CONTRACT WITH BROWN AND CALDWELL | SL KING FOR
8 PROGRAM MANAGEMENT SERVICES; TO APPROVE THE EXPENDITURE OF
9 FULTON COUNTY CAPITAL IMPROVEMENT PROGRAM FUNDS FOR SUCH
10 SERVICES IN THE AMOUNT OF \$2.5 MILLION DOLLARS PER YEAR FOR THE
11 INITIAL THREE YEAR TERM; TO AUTHORIZE THE COUNTY MANAGER TO
12 APPROVE THE AGREEMENT AS TO CONTENT AND THE COUNTY ATTORNEY TO
13 APPROVE THE AGREEMENT AS TO LEGAL FORM; AND FOR OTHER PURPOSES.
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15 WHEREAS, Fulton County and the City of Atlanta own and operate the Tom Lowe
16 Water Treatment Plant (“Tom Lowe Facility”) through a Joint Venture known as the
17 Atlanta-Fulton County Water Resources Commission (“AFCWRC”); and

18 WHEREAS, the Tom Lowe Facility has been operational since 1991, and provides
19 high quality drinking water to more than 300,000 residents in Fulton County; and

20 WHEREAS, pursuant to paragraph 4.2.1 of the 1998 Joint Venture Agreement
21 (“the Agreement”), codified at Fulton County Code (“FCC”) 102-682(a), Fulton County
22 and the City of Atlanta share equal 50/50 responsibility for capital costs and capital
23 improvements required for the Tom Lowe Facility; and

24 WHEREAS, pursuant to paragraph 3.1.6.12 of the Agreement, codified at FCC
25 102-675-(g)(14), AFCWRC is authorized to enter contracts “when authorized by Atlanta
26 and Fulton...that are reasonable and necessary for the construction of the
27 facilities...provided that the funds for the same are available to [AFCWRC] in specific line
28 item appropriations of the budget approved by Atlanta and Fulton”; and

1 **WHEREAS**, pursuant to paragraph 3.1.8.1 of the Agreement, codified at FCC 102-
2 675(i), legislation is required to be adopted by Atlanta and Fulton County in the event
3 such line item appropriations are not identified and the contract exceeds \$50,000.00; and

4 **WHEREAS**, the Fulton County Board of Commissioners (“BOC”) has approved
5 funding in its Capital Improvement Plan for water and sewer services for necessary capital
6 improvements to the Tom Lowe Facility in years 2024 through 2026; and

7 **WHEREAS**, pursuant to paragraph 4.5 of the Agreement, codified at FCC 102-
8 685, AFCWRC is authorized to utilize Fulton County and/or the City of Atlanta for
9 purchasing and other services; and

10 **WHEREAS**, AFCWRC has elected to alternate between Fulton County and the
11 City of Atlanta for its purchasing and procurement needs, and has utilized the City of
12 Atlanta’s purchasing team to solicit bids for Program Management Services to provide
13 engineering design, construction administration management and consulting services for
14 various facility upgrades required for the optimal functioning of the Facility as approved
15 in item 15-23 during the December 14, 2023, AFCWRC Board Meeting; and

16 **WHEREAS**, the City of Atlanta conducted a procurement that sought Requests for
17 Proposals and through Resolution 24-R-3456, selected Brown and Caldwell | SL King, a
18 Joint Venture, as the most responsive and responsible bidder to provide Program
19 Management Services for the Facility; and

20 **WHEREAS**, the anticipated costs for the Program Management Services are \$5
21 Million Dollars per year for each of the first three (3) years of the initial three-year term of
22 the Agreement between AFCWRC and Brown and Caldwell | SL King, with Fulton

1 County’s share amounting to \$2.5 Million Dollars each year for three years for a total
2 contribution of \$7.5 Million Dollars over three years; and

3 **WHEREAS**, the Program Management Services Agreement contains an option for
4 AFCWRC to renew the Agreement for two additional one-year terms.

5 **NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners (“BOC”)
6 hereby accepts the City of Atlanta’s selection of Brown and Caldwell | SL King as the
7 vendor to provide Program Management Services and approves the recommended
8 proposal for services.

9 **BE IT FURTHER RESOLVED** that the BOC approves and authorizes AFCWRC
10 to enter into an Agreement with Brown and Caldwell | SL King for such Program
11 Management Services for an initial three-year term with two one-year renewal options;

12 **BE IT FURTHER RESOLVED** that the BOC authorizes the County Manger to
13 execute approval as to the content of the Agreement between AFCWRC and Brown and
14 Caldwell | SL King in compliance with the conditions stated herein and upon confirmation
15 of approval as to the legal form of the Agreement by the Office of the Fulton County
16 Attorney.

17 **BE IT FINALLY RESOLVED** that this Resolution shall become effective upon its
18 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
19 are hereby repealed to the extent of the conflict.

20 **SO PASSED AND ADOPTED**, this 4th day of September, 2024.

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**FULTON COUNTY BOARD OF
COMMISSIONERS**

Robert L. Pitts, Chairman

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ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo, County Attorney