

AUGUST 20, 2020

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE
CITY OF ALBANY, GEORGIA
GOVT. CTR. – RM. 100 (Virtual Meeting)

PRESENT Mayor Bo Dorough
Mayor Pro Tem Jon Howard
City Attorney: Nathan Davis

Mayor Dorough called the (virtual) meeting to order at 10:05 a.m. and confirmed the attendance of those on the virtual conference call as follows: City Manager Sharon Subadan, Commissioners Matt Fuller, BJ Fletcher, Chad Warbington, Bob Langstaff and Demetrius Young.

The Asst. Clerk read the call as follows:

Mayor and Board of City Commissioners
P.O. Box 447
Albany, Georgia

There will be a Special Called City Commission virtual meeting on Thursday, August 20, 2020 at 10:00 a.m. The purpose of the meeting is for the Mayor and Board of Commissioners to discuss and approve the following resolution re:

1. Authorizing execution of a contract between the City of Albany and Concrete Enterprises for solid waste collection and disposal services for the west side of Albany

Sincerely,

/s/ Sharon Subadan
SHARON SUBADAN,
CITY MANAGER

/s/ Bo Dorough
BO DOROUGH, MAYOR

/s/ Jon Howard
JON HOWARD, WARD I
MAYOR PRO TEM

Notified via email
MATT FULLER, WARD II
CITY COMMISSIONER

Notified via email
BJ FLETCHER, WARD III
CITY COMMISSIONER

Notified via email
CHAD WARBINGTON, WARD IV
CITY COMMISSIONER

Notified via email
BOB LANGSTAFF, JR., WARD V
CITY COMMISSIONER

/s/Demetrius Young
DEMETRIUS YOUNG, WARD VI
CITY COMMISSIONER

Central Services Director Yvette Fields stated that as presented by Ms. Subadan at Tuesday's work session the item for consideration is a one-year contract at the current rate, with a balloon payment at the end of the year. If the contract is renewed it will be for the bid amount of \$26.48/per barrel.

In response to Mayor Pro Tem Howard, Ms. Field agreed that the current rate will be maintained until 2021 and if renewed, it would be at the bid rate. Ms. Fields reported that a one-year trial is being proposed because of Concrete Enterprises inexperience, in which they agreed to the current rate. However, because of a \$3.00 difference in their bid rate and the current rate and due to their significant investment, to be made whole, they requested the \$369,800 balloon payment.

Commissioner Fuller asked Jason Wiggins, Concrete Enterprises, if he is able to confirm that he will have equipment ready for October 1; Mr. Wiggins replied that all he needs today is a signed contract; there will be no service interruption on October 1.

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In response to Commissioner Warbington, Mr. Wiggins advised that 12,000 trash cans were ordered and delivery will start September 10. In response to Commissioner Warbington, Ms. Fields explained that it is a five-year contract, which is renewed annually and at the beginning of the second year, the balloon payment will be made to make them whole. The criteria to continue the contract after the first year is performing up to the Commission's standard. Ms. Subadan added that there will be a monthly report of the contract based on terms/conditions/expectations outlined in the contract. She advised that videos and GPS data will be used to verify the quality of their work, along with customers feedback/complaints. Normally, options to renew are done by staff; however, this one will be brought back to the Commission. Commissioner Warbington asked what plans are in place should Concrete Enterprises have to exercise its 90-day delay if something should arise. Ms. Subadan explained that the existing contract requires the current vendor to honor a three-month extension; they have formally been put on notice that the City may have to enact that clause. She recognized Ms. Fields and Mike Trotter, Procurement Manager, for discovering the clause in the current contract.

Commissioner Young asked Mr. Wiggins if the subcontractor will be onboard to help Concrete Enterprises to be ready by October 1. Mr. Wiggins advised that Don and Ulysses James, A-1 Brantley, are with him today on this call; with the handshake agreement, they hope to have a formal contract inked and ready to move forward.

Mayor Pro Tem Howard asked if the contract with Concrete Enterprises is approved today, when will the contract between them and A-1 be executed. Mr. Wiggins replied that he cannot give a definite date, but both sides agree, and it should be within a reasonable timeframe. In response to Mayor Pro Tem Howard, Ulysses James stated the negotiations are still underway, but they feel comfortable and confident an agreement will be reached very soon.

Mayor Dorough asked if the criteria is "acceptable/satisfactory/excellent performance" and the one-time balloon payments is based on that. Ms. Fields replied that it would be their performance that would lead the Commission to renew their contract. Mayor Dorough clarified that if the contract is extended to the second year with Concrete Enterprises at the designated increase, they will be paid the \$370,000 balloon payment; Ms. Fields agreed. Mayor Dorough stated that the optimal resolution is for A-1 to continue as the subcontractor with Concrete Enterprises; he asked the number of homes that A-1 presently serves. Mr. Wiggins replied approximately 4,000; he stated that his company will very closely mirror the contract that they had with GFL. Mayor Dorough recommended that the agreement with Concrete Enterprises be conditioned on execution of an agreement between them and A-1 within 72 hours. Ms. Subadan explained that it is her understanding that this condition would be equivalent to a DBE set-aside; however, she will negotiate on behalf of the City. Mr. Davis countered that he is not certain it would be a direct set-aside, it would be part of negotiations and he would be comfortable including it in the resolution should that be the desire of the Commission.

Mr. Wiggins stated that it is not a problem; however, he would not have A-1 Brantley here with him right now and would not be willing to make the substantial investment if he was not serious about doing the right thing. He recommended a contract with A-1 by August 28.

A brief discussion ensued about inserting a condition that could present problems. Ms. Subadan asked if it is acceptable that should no agreement be reached between the contractor and subcontractor, that she come back and advise the Commission before finalizing the contract by next Friday if negotiations are not successful.

Commissioner Langstaff stated that if the condition is part of the contract, he will vote no.

Commissioner Young agreed that Ms. Subadan should be included in negotiations, with the Commission ratifying her recommendation. He stated that he is not sure how proper it is for the Commission to be making stipulations on these businesses.

Mayor Pro Tem Howard asked Mr. Davis' opinion regarding the August 28 date. Mr. Davis explained that date is not the issue; it is the requirement regarding A-1 Brantley. He mentioned

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that the bid document encouraged minority participation and in conversations with Mr. Wiggins he interprets that negotiations have been underway with A-1.

Commissioner Fuller stated that including the requirement in the contract appears unfair and could possibly create more issues. Everyone supports A-1 Brantley continuing to perform as they have with Transwaste, but with the 90-day extension he proposed leaving that out or wait and vote; he would be more comfortable for the two businesses to work out the terms of the contract without the City's involvement.

Commissioner Fletcher stated that it will appear the City is micromanaging Mr. Wiggins; we should not add anything in the contract that could delay it.

Commissioner Warbington agreed with Ms. Subadan; we can authorize her to help negotiate.

Commissioner Langstaff agreed with Commissioner Warbington.

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Fletcher.

A RESOLUTION NO. 20-R150

Authorizing the City Manager to continue negotiations with Concrete Enterprises, LLC for solid waste collection and disposal services for the west side of Albany; Authorizing the City Manager to execute such contract with Concrete Enterprises, LLC

Mayor Pro Tem Howard made a substitute motion adding that within 72 hours the City Manager will have the contract executed by Concrete Enterprises and Concrete Enterprises and A-1 Brantley will have an executed contract by August 28, seconded by Mayor Dorrough, which failed 2-6 with Commissioners Fuller, Fletcher, Warbington, Langstaff, and Young voting no.

Hearing no further comments, and following rollcall the motion unanimously carried.

There being no further business, the meeting adjourned at 10:44 a.m.

MAYOR

ATTEST

ASST. CITY CLERK