



MEMORANDUM

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August 1, 2018

To: Mario Evans, Airport Director

From: Max Chang, Assistant County Attorney

Subject: **Request for Review and Direction: Article III Payment, in Contract No. 1100533 with Michael Baker International, Inc., Agreement for Architectural, Engineering and Planning Consultant Services at DeKalb Peachtree Airport Contract**
(Law Department Log No 82-0356)

You have asked us for assistance regarding a review of the Payment terms of Contract No. 1100533 regarding whether the contract allows for an annual limit of spending.

This Contract is an annual contract with options to renew. The funding for the Contract is provided for the first term and thus there is no annual limit of spending. However, if the \$5,000,000 is all spent at any time during the initial term or any of the four options to renew then you will have to go back to the governing authority with a change order for more funds.

So, to answer your initial question, yes you can expend necessary funds as long as the amount of \$5,000,000 is not exceeded during the initial year and subsequent annual renewal terms. If the amount spent is greater than \$5,000,000 then you would need a change order for more funds.

Also, the funds spent must be in accordance with Attachment A, the Contractor's Schedule of fees.

Please let me know if you have any questions or concerns.

Max Chang

cc: Matthew Welch, Supervisory County Attorney
Joyce Foster, Senior Procurement Agent