

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03323

ADOPTED ON MAY 1, 2001

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE CENTRE CITY DEVELOPMENT CORPORATION TO ENTER INTO A THIRD AMENDMENT TO THE AGREEMENT WITH AMEC EARTH & ENVIRONMENTAL, INC., FOR ENVIRONMENTAL (“TOXIC”) CONSULTING SERVICES FOR THE MARINA SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT; AND RATIFY AND APPROVE THE CONSULTANT AND CONTRACTOR POLICY FOR POLANCO REDEVELOPMENT ACT MATTERS FOR THE CENTRE CITY REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [the Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project [the Project]; and

WHEREAS, the Centre City Development Corporation [CCDC], pursuant to its Operating Agreement with the Agency, is charged with implementing redevelopment on behalf of the Agency, in and around the areas of downtown San Diego; and

WHEREAS, California Health and Safety Code section 33459.4 provides that in order for a redevelopment agency to be reimbursed for costs incurred for environmental clean up, the work must have been done by contractors procured pursuant to procurement policies adopted by the Agency; and

WHEREAS, by Resolution Number R-02992, adopted on June 1, 1999, the Agency delegated authority to the President of CCDC to identify and name responsible parties and to take other actions as appropriate and as authorized by the Polanco Redevelopment Act; and

WHEREAS, on August 27, 1999, the CCDC Board, acting under authority of the Operating Agreement and on behalf of the Agency adopted procurement policies for environmental clean, and subsequently entered into a number of consultant contracts pursuant to the policy; and

WHEREAS, in order to maximize recovery, the Agency wishes to ratify CCDC's adoption of a procurement policy on behalf of the Agency, and to formally adopt an Agency procurement policy; and

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency proposes to pay for environmental ("toxic") consulting services; and

WHEREAS, CCDC previously entered into an Agreement for environmental ("toxic") consulting services with Ogden Environmental and Energy Services [Ogden] now AMEC Earth & Environmental, Inc. [AMEC]; and

WHEREAS, the Agreement has been amended by a First Amendment to Agreement and a Second Amendment to Agreement; and

WHEREAS, CCDC wishes to further amend the Agreement with AMEC by adding \$147,500 to the original contract amount, which amount shall cover CCDC's consulting needs as set forth in CCDC's Memorandum dated March 26, 2001, to the Chair and Members of the Redevelopment Agency; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. That the President of CCDC, or designee, is authorized to execute a Third Amendment to Agreement with AMEC for environmental ("toxic") consulting, in an amount not to exceed \$147,500. A copy of the Third Amendment to Agreement is on file in the office of the Secretary to the Agency as Document No. D-03323.

2. That this amendment adds a total of \$147,500 to the original contract

amount; thereby increasing the compensation of the original Agreement to a total amount not to exceed \$517,250.

3. That the Agency consents to the assignment of the Agreement from Ogden Environmental and Energy Services Co., Inc., to AMEC Earth & Environmental, Inc.

4. That the President of CCDC, or designee, is authorized to enter into the following contracts for work pursuant to the Polanco Redevelopment Act:

a. contracts with environmental consultants on the Agency or CCDC list of approved of contractors;

b. contracts with owner(s) of properties upon which Polanco activities are required, or environmental consultants who have contracted with or are preferred by owners of properties where Polanco activities are required; or

c. contracts with contractors (other than CCDC consultants) that may be retained by the State of California, the County of San Diego, the City of San Diego, or any other political subdivision or special district;

d. when sufficient funds are available through:

(1) CCDC approved funding sources;

(2) acquisition funds or funds CCDC has withheld from its deposits

with the court in connection with a condemnation action;

(3) other third parties or developers; or

(4) either the State or some other political subdivision has already

contracted with an entity for services that could be used to accomplish or assist

with work that is authorized and reimbursable under the Polanco Redevelopment

Act, and it is practical and efficient for CCDC work to be accomplished by that

same contractor.

5. That for any contract entered into pursuant to this procurement policy, CCDC is authorized to include only the amount of CCDC or Agency funds paid under such authorized contracts when calculating contract amount limits under CCDC or Agency policies for use of Agency funds for a CCDC consultant, and specifically to not include owner's funds or other third-party funds paid under authorized contracts when calculating such contract amount limits.

6. That the Agency finds and determines that any contracts procured in the manner described above is in compliance with the Agency's and the CCDC's procurement policies.

7. That the Agency ratifies any contracts entered into by CCDC on behalf of the Agency pursuant to the procurement policies adopted by CCDC on August 27, 1999.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys
Deputy General Counsel

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