(R-94-1227)

RESOLUTION NUMBER R-283511 ADOPTED ON WAR 071994

WHEREAS, on September 30, 1993, the United States District Court, Southern District of California, issued a preliminary injunction enjoining the City of San Diego's practice of administering and enforcing its Minority and Women Business Enterprise (MBE/WBE) Program for public construction contracts; and

WHEREAS, on November 29, 1993, the City Council acted to rescind the MBE/WBE and EEO Programs as defined in Manager's Report No. 85-37 (Resolution No. R-262633). This was acted on, upon the advice of the City Attorney, to comply with the preliminary injunction and to further insulate the City from legal liability; and

WHEREAS, on August 3, 1992, the City Council voted to commission a "Predicate/Disparity" Study; and

WHEREAS, in a two-pronged selection process, consisting of a Nominating Committee which met on September 29, 1993 and a Selection Panel which met on November 10, 1993, the consulting team of DEGA/TMS, a Joint Venture, was recommended to conduct a MBE/WBE Predicate/Disparity study; and

WHEREAS, at the November 29, 1993 meeting, the City Council voted to authorize the City Manager to negotiate a contract with DEGA/TMS, a Joint Venture, to conduct the study; and

WHEREAS, these negotiations have been completed; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an agreement with DEGA/TMS, A JOINT VENTURE OF DARRYL E. GREENE & ASSOCIATES, P. C. AND TRIAXIAL MANAGEMENT SERVICES, INC, for a predicate study of the utilization of minority/women business enterprises (including a study of the utilization of disabled and local business enterprises), under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR-283511, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer an amount not to exceed \$197,594 within the Clean Water Program Fund 41509 from CIP 45-910.2 Clean Water Program Predesign & Engineering Support to the MWWD Operation and Maintenance Fund 41509 (Prog. Rel. 70731).

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$499,900, as set forth on the Request for Council

Action, is hereby authorized, solely and exclusively for the purpose of providing funds for the above project.

APPROVED: JOHN W. WITT, City Attorney

Ву

Kenneth K. So

chief Deputy City Attorney

KKS:js 02/22/94

Aud.Cert:9400850

Or.Dept:Mgr.

R-94-1227

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