

RESOLUTION NUMBER R- 283511

ADOPTED ON MAR 07 1994

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.

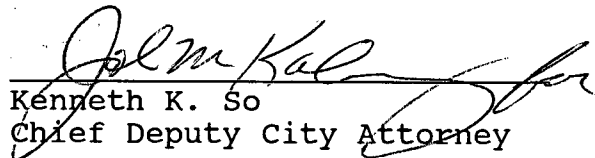
BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer an amount not to exceed \$197,594 within the Clean Water Program Fund 41509 from CIP 45-910.2 Clean Water Program Predesign & Engineering Support to the MWWO Operation and Maintenance Fund 41509 (Prog. Rel.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

By


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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**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 9400850

ORIGINATING DEPT. NO.: 041

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ _____ Fund _____

Purpose _____

Date _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 499,900

Vendor DEGA/TMS

Purpose Authorizing the expenditure of funds to conduct a MBE/WBE Predicate/Disparity Study.

Date February 23, 1994

By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	40012	700	7002	4222	007301		41509		177,494.00
02	0	40012	700	100	4222	030105		41500		87,872.00
03	0	41200	751	412	4222	007190				21,968.00
04	0	100	444		4222	000001				40,000.00
05	0	100	443		4222	000001				23,689.00
06	0	100	549		4222	000001				140,595.00
07	0	302191	3220		4222	032221				8,282.00
TOTAL AMOUNT										\$499,900.00

FUND OVERRIDE

MAR 07 1994

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