

(0-95-90)

ORDINANCE NUMBER O- 18171 (NEW SERIES)

ADOPTED ON APR 24 1995

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2,
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 22.0209 RELATING TO
ALTERATIONS IN CONSTRUCTION CONTRACTS.

WHEREAS, The City of San Diego is participating with the United States Environmental Protection Agency and the International Boundary and Water Commission in a cooperative effort to design and construct the South Bay Ocean Outfall, a project which will jointly serve planned wastewater treatment facilities of the respective agencies in the southern parts of the City near the international border; and

WHEREAS, the timely construction of the outfall project is crucial to health and safety and is necessary to end a continuing state of emergency caused by uncontrolled trans-border sewage flows; and

WHEREAS, the City has entered into a Memorandum of Agreement with the federal agencies, on file in the office of the City Clerk as Document No. RR-285069, which provides that the City shall be responsible for the letting and management of contracts to construct the outfall; and

WHEREAS, the Memorandum of Agreement provides that the City, in managing construction of the outfall, shall have authority to approve changes in the work without prior approval of the federal agencies if the alterations do not cost more than five percent (5%) of the prime contract value; and

WHEREAS, San Diego Municipal Code section 22.0209(a) limits the City Manager's authority to approve alterations in contracts to \$200,000 for each alteration; and

WHEREAS, since the construction cost estimate for the outfall is in excess of \$150 million, it is reasonably necessary to specially increase the City Manager's authority to execute alterations in contracts for this specific project in order to ensure its expeditious completion without delay; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 2, Division 5, of the San Diego Municipal Code is hereby amended by amending Section 22.0209, to read as follows:

SEC. 22.0209 ALTERATIONS TO CONTRACTS

(a) Except as provided in Section 22.0209(b), whenever it becomes necessary to make alterations in contracts entered into by the City, the City Manager shall make alterations only when authorized by the Council unless such alterations meet all of the following criteria:

(1) The cost of each alteration is less than \$200,000; and

(2) The cost of alterations does not exceed the total amount authorized for the project by ordinance or resolution; and

(3) It is the opinion of the City Manager that the alterations are necessary to fulfill the purpose of the contract; and


(4) The alterations are made by agreement in writing between the contractor and the City Manager.

(b) Notwithstanding the limitation provided by Section 22.0209(a)(1), in any contract for the construction of the South Bay Ocean Outfall let pursuant to cooperative agreement with the Environmental Protection Agency and the International Boundary and Water Commission, the City Manager may approve alterations without authorization of the Council, provided that the cost of each alteration does not exceed five percent of the original prime contract value and provided that all other criteria in Section 22.0209(a) are met.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick M. Ortlieb
Deputy City Attorney

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