

(R-2003-248)

**297390**

RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON NOV 25 2002

WHEREAS, the Council of the City of San Diego [the Council] previously authorized an expenditure of an amount not to exceed \$9,266,791 from Sewer Fund 41506, CIP No. 46-194.0, Annual Allocation - Trunk Sewer Rehabilitation, for the construction of Sub CIP 46-194.2, La Jolla/Pacific Beach Trunk Sewer - Chelsea Street Relocation [the Project] by Resolution No. R-296154, adopted March 18, 2002; and

WHEREAS, by that same Resolution, the Council approved the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the Project and directed the Contract Services Division of the City of San Diego [the City] to publish notice to contractors calling for bids for the Project, in accordance with those plans and specifications; and

WHEREAS, by that same Resolution, the Council authorized the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases, are or will be, on deposit with the City Treasurer; and

WHEREAS, TC Construction was determined by the City to be the lowest responsible and reliable bidder for the Project; and

WHEREAS, Don Kelly Construction, Inc., protested the determination made by the City that TC Construction was the lowest responsible and reliable bidder for the Project; and

WHEREAS, at the regular meeting of the Natural Resources and Culture Committee on September 18, 2002, the City Manager was directed to grant a hearing for the purpose of determining whether the decision of the City that TC Construction was the lowest responsible and reliable bidder for the Project should be upheld; and

WHEREAS, by its decision dated October 17, 2002, the Bid Protest Board determined that the bid submitted by Don Kelly Construction, Inc. was non-responsive and properly rejected by the City; and

WHEREAS, this Project is not currently a part of the FY 2003 Capital Improvement Program Budget; NOW, THEREFORE,

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

1. That the addition of CIP No. 46-194.2, La Jolla/Pacific Beach Trunk Sewer - Chelsea Street to the FY 2003 Capital Improvement Program Budget is hereby authorized.
2. That the transfer of an amount not to exceed \$3,574,232.00 from Sewer Fund 41506, CIP No. 40-930.0, Otay Mesa Trunk Sewer, to Sewer Fund 41506, CIP No. 46-194.2, La Jolla/Pacific Beach Trunk Sewer - Chelsea Street is hereby authorized.
3. That FY 2003 - Phase I funding for La Jolla/Pacific Beach Trunk Sewer - Chelsea Street in an amount not to exceed \$1,626,325.00 is hereby approved.

4. That the Auditor and Comptroller is hereby authorized, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

APPROVED: CASEY GWINN, City Attorney

By Eric A. Swenson  
Eric A. Swenson  
Deputy City Attorney

EAS:als  
10/28/02  
Aud.Cert:AC 2300384  
Or.Dept:E&CP  
Bid No: K02082C  
R-2003-248

R-297390

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINALING AC 2300384  
DEPT. NO.: 113

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 \$ 3,574,232.00 Fund 41506

Purpose Authorizing the transfer of funds from CIP 40-930.0 to CIP 46-194.2 for Phases I and II of the La Jolla/Pacific Beach Trunk Sewer - Chelsea Street

Date 10/10/02 By: Tiffany Hernandez  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41506	773	960	4278	176360				\$3,574,232.00
TOTAL AMOUNT										\$3,574,232.00

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 \$ 1,626,325.00

Vendor TC Construction

Purpose Authorizing the expenditure of funds for Phase I of the La Jolla/Pacific Beach Trunk Sewer - Chelsea Street; CIP 46-194.2

Date 10/10/02 By: Tiffany Hernandez  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
2	0	41506	773	960	4220	174304				\$1,626,325.00
TOTAL AMOUNT										\$1,626,325.00

FUND OVERRIDE

*R-297390*

NOV 25 2002