

RESOLUTION NUMBER R-297874

ADOPTED ON APRIL 21, 2003

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS; AUTHORIZING ESTABLISHMENT OF PHASE FUNDING AND AWARD OF CONTRACT; AND TAKING RELATED ACTIONS.

WHEREAS, City of San Diego Council Resolution No. R-251555 provides that a prevailing wage specification will be included in City contracts only when required by federal or state grants, and on jobs of state concern; and

WHEREAS, the Miramar Water Treatment Plant Upgrade & Expansion - Contract A [Project] is not a matter of state concern and is not funded by federal or state grants; and

WHEREAS, the Project is a multi-million dollar public works contract which will provide necessary upgrades and expansion of treated water capacity to serve future water demands; and

WHEREAS, the Project must be completed on time to ensure that the City can meet the future demands for treated water and to comply with future drinking water standards set by the U.S. Environmental Protection Agency; and

WHEREAS, the Council of the City of San Diego has discretion to require that prevailing wages be paid on a public works project when it determines that to do so will provide an economic benefit to the City; and

WHEREAS, the Council has heard and considered the public testimony that the payment of prevailing wages on the Project will provide an economic benefit to the City; NOW THEREFORE,

BE IT RESOLVED, that the Council finds and determines that requiring the payment of prevailing wages on the Project will stimulate marketplace competition; ensure contractors compete on an even playing field; provide a cost benefit to the public by ensuring the Project will be adequately built by a skilled labor force; prevent the waste of public funds; minimize the chance of further expenditure of funds for premature reparations due to use of unskilled labor; and that the public benefit from requiring prevailing wages on the Project will outweigh any potential increase in costs;

BE IT FURTHER RESOLVED, that the Council hereby directs the City Manager to issue an addendum to the plans and specifications of the Project to require the payment of prevailing wages;

BE IT FURTHER RESOLVED, that Council Resolution No. R-251555 is hereby waived in order that prevailing wages may be required on the Project;

BE IT FURTHER RESOLVED, by the Council, as follows:

1. That the plans and specifications for the construction of Miramar Water Treatment Plant Upgrade & Expansion - Contract A [Project], filed in the office of the City Clerk as Document No. W.O. 182481A, are approved.

2. That, after advertising for bids in accordance with law, the City Manager is authorized to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the

bid opening for the Project; (b) the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; and (c) the passage of the FY04 Capital Improvement Program and Appropriation Ordinance Budget.

3. That the expenditure of an amount not to exceed \$77,779,773 from Water Fund 41500, CIP 73-284.0, Miramar Water Treatment Plant Upgrade & Expansion and \$7,290,171 from Water Fund 41500, CIP 73-331.0, Water Pooled Contingency is authorized solely and exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, contingent upon the passage of the FY04 Capital Improvement Program and Appropriation Ordinance Budget.

4. That the use of City Forces on the Project to implement water treatment plant shut downs and perform other work necessary to help minimize and mitigate disruptions to the City's water service during construction of the Project for a cost not to exceed \$200,000 is approved.

5. That the expenditure of \$10,000 for right-of-way and easement related costs available in Water Fund 41500, CIP 73-284.0, Miramar Water Treatment Plant Upgrade & Expansion, is authorized, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer contingent upon the passage of the FY04 Capital Improvement Program and Appropriation Ordinance Budget.

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

APPROVED: CASEY GWINN, City Attorney

By *Catherine Bradley*
Catherine Bradley
Deputy City Attorney

CB/cbs
03/10/2003
05/16/2003 Rev.
Aud.Cert: N/A
Or.Dept: Water
Bid No: K03482C
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