

RESOLUTION NUMBER R- 298694

ADOPTED ON DEC 08 2003

WHEREAS, on October 2, 2000, the City of San Diego entered into an agreement with Westinghouse Process Control Inc., a Fisher-Rosemount Company (Westinghouse), on file in the office of the City Clerk as Document No. RR- 293910, to provide continuing maintenance services on hardware and software previously developed by Westinghouse pursuant to the Wastewater Operations Management Network (COMNET) contract; and

WHEREAS, at the end of the three year agreement, the City Council recommended a competitive bid process for a new three year Maintenance Service Agreement for the COMNET system to test the marketplace and determine if any local firms were interested in bidding the contract; and

WHEREAS, Emerson Process Management Power and Water Solutions, Inc. (Emerson), previously known as Westinghouse, was the only firm to submit a qualified bid; NOW

THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and empowered to enter into a Phase Funded agreement with Emerson for an amount not to exceed \$5,540,152, for the continuing maintenance services on the COMNET system under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 298694, together with any reasonably necessary modifications or amendments thereto which do not increase the project scope or cost and which

the City Manager may 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 expenditure of an amount not to exceed \$5,540,152, is hereby authorized solely and exclusively for the purpose of funding the above referenced agreement in the following manner:

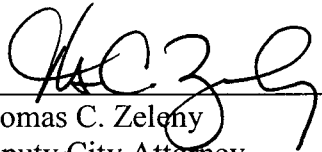
Phase Funding	IOS Div-Metro Fund 41509 Dept 777	IOS Div – Muni Fund 41506 Dept 776	WWC Div –Muni Fund 41506 Dept 773	Proposed Grand Total Phase Funding
Phase 1 (FY 2004)	525,000	225,000	50,192	800,192
Phase 2 (FY 2005)	1,190,000	510,000	100,384	1,800,384
Phase 3 (FY 2006)	1,273,000	546,000	100,384	1,919,384
Phase 4 (FY 2007)	679,000	291,000	50,192	1,020,192
Totals	\$3,667,000	\$ 1,572,000	\$ 301,152	\$ 5,540,152

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to fund Phase I of the Agreement in the amount of \$800,192 and that subsequent phases are contingent on the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditure are, or will be on deposit in the City Treasury and contingent upon City Council approval of the Metropolitan Wastewater Department's operating budget for the respective fiscal years.

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BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

TCZ:sc
11/25/03
AC:2400553
Or.Dept: MWWD
MWD-4039
R-2004-629

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2400553
DEPT. _____
NO.: 773

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: \$800,192.00

Vendor: Emerson Process Managemnt Power and Water Solutions, Inc.

Purpose: Authorizing the expenditure of funds for Phase I for maintenance services for Comnet.

Date: November 24, 2003 By: *Ann Marie Santoi*

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	41509	777	416	4222	3016				\$525,000.00
2	0	41506	776	716	4222	763016				\$225,000.00
3	0	41506	773	760	4222	7654				\$50,192.00
TOTAL AMOUNT										\$800,192.00

AC-361 (REV 2-92)

FUND OVERRIDE

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DEC 08 2003

AC 2400553