(R-2004-629)

## RESOLUTION NUMBER R- 298694

## ADOPTED ON **DEC 0 8 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 298694

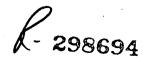
Clerk as Document No. RR-\_\_\_\_\_\_\_, together with any reasonably necessary modifications or amendments thereto which do not increase the project scope or cost and which

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	IOS Div – Muni	WWC Div -Muni	Proposed
	Fund 41509	Fund 41506	Fund 41506	Grand Total
	Dept 777	Dept 776	Dept 773	Phase Funding
Phase 1 (FY 2004)	525,000	225,000	50,192	800,192
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Phase 2 (FY 2005)	1,190,000	510,000	100,384	1,800,384
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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.



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

Ву

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

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