

RESOLUTION NUMBER R- 298877

ADOPTED ON FEB 09 2004

A RESOLUTION AWARDING THE CONSTRUCTION
CONTRACT TO EMS CONSTRUCTION, INC. FOR THE
CONSTRUCTION OF THE ROLANDO BRANCH LIBRARY;
AND TAKING RELATED ACTIONS

WHEREAS, on March 18, 2002, by Ordinance Number O-19041, the Council of the City of San Diego authorized the City Manager to execute an Agreement with the College Lutheran Church [Church] to obtain thirty-one additional parking spaces for the College/Rolando Branch Library [Library] and assure vehicular access to the Library, contingent upon approval of a construction contract for construction of the Library; and

WHEREAS, subsequent to Council's authorization to enter into the Agreement with the Church, the Church and community desired to modify the Agreement by reducing the number of additional parking to twenty-nine spaces and this modification was incorporated into the plans and specifications for construction of the Library; and

WHEREAS, on September 22, 2003, by Resolution Number R-298397, Council approved the plans and specifications for CIP No. 35-104.0, College/Rolando Branch Library [Project] and authorized the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3,670,000 million; and

WHEREAS, after advertising for bids in accordance with law, the lowest responsible and reliable bidder submitted a bid that was significantly greater than the amount authorized by Council for the Project contract; NOW THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that after advertising for bids in accordance with law, the City Manager is authorized to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$6,104,411, 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.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to transfer \$500,000 from CIP No. 35-104.0, North Park Branch Library, Interim Fund No. 102216, Main Library Fund, and \$1,500,000 from CIP No. 35-106.0, Paradise Hills Branch Library, Interim Fund No. 102216, Main Library Fund, to CIP No. 35-107.0, College/Rolando Branch Library, for the purpose of funding construction of the Project.

BE IT FURTHER RESOLVED, that the City Manager is authorized to replenish the funds transferred by this Resolution to CIP No. 35-107.0 from CIP No. 35-104.0, North Park Branch Library, and CIP No. 35-106.0, Paradise Hills Branch Library, when the first library bond issuance occurs.

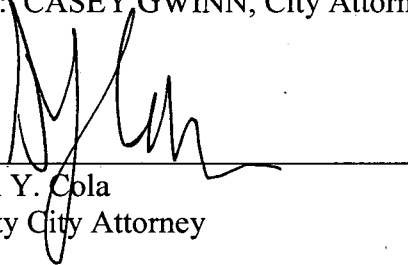
BE IT FURTHER RESOLVED, that the expenditure of an additional \$2,000,000 from CIP No. 35-071.0, College Heights/Rolando Branch Library is authorized solely and exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, 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.

BE IT FURTHER RESOLVED, that the City Manager is directed to bring back to Council, within thirty (30) days, a revised Agreement with the Church that reflects the reduction of additional parking spaces from thirty-one to twenty-nine.

APPROVED: CASEY GWINN, City Attorney

By



Susan Y. Cola
Deputy City Attorney

SYC:sc
01/28/04
Aud.Cert. 2400748
Or.Dept: E&CP
R-2004-814

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2400748

ORIGINATING

DEPT. NO.: 545

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: \$2,000,000.00 Fund: 102216/30244

Purpose: Authorizing the transfer of 1,500,000 from CIP 35-106.0 and 500,000 from CIP 35-104.0 to the College-Rolando Library, CIP 35-071.0. The purpose of the transfer is to fund construction of phase one.

Date: January 28, 2004

By: *Weather Beagan*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	30244	30244	106	4279	351040		102216		\$500,000.00
02	0	30244	30244	106	4279	351060		102216		1,500,000.00
TOTAL AMOUNT										\$2,000,000.00

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.

Amount: \$4,814,000.00

Vendor: EMS Construction

Purpose: Authorize the expenditure for the construction of the College-Rolando Library, phase one.

Date: January 28, 2004

By: *Weather Beagan*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
03	0	30244	30244	106	4279	350710				\$2,000,000.00
04	0	18520	18520		4220	350710				\$2,814,000.00
TOTAL AMOUNT										\$4,814,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

No original AC provided.

AC 2400748

R-298877

FEB 09 2004