RESOLUTION NUMBER R- 299233

ADOPTED ON MAY 17 2004

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A RESOLUTION AUTHORIZING A FIRST AMENDMENT AND ADDITIONAL EXPENDITURE FOR THE DESIGN AGREEMENT FOR PUMP STATION UPGRADES WITH CGvL ENGINEERS.

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be and he is hereby authorized and empowered to negotiate and execute, for and on behalf of said City, a First Amendment Agreement to the Design Agreement with CGvL Engineers for Pump Station Upgrades, for an amount not to exceed \$915,539.00, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall 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 City Auditor and Comptroller is hereby authorized to transfer \$613,503.00 to CIP 41-929.0, Pump Station Upgrades, of which \$461,415.00 is from CIP 46-197.6, USIU Trunk Sewer and \$152,088.00 is from CIP 46-195.8, Miramar Road Trunk Sewer, all within Fund 41506.

BE IT FURTHER RESOLVED, that the City Manager is authorized to revise contract phase funding with CGvL Engineers as follows:

| FUNDING PHASE | <u>AMOUNT</u> | <u>FY</u> |
|---------------|---------------|-------------------------------------------------|
| Phase I | \$606,673 | 2003 Previously Funded |
| Phase 2 | \$1,117,797 | 2004 Previously Funded \$669,774 of this phase. |
| Phase 3 | \$622,404 | 2005 Previously Funded \$154,888 of this phase. |
| TOTAL | \$2,343,874 | |

BE IT FURTHER RESOLVED, that the expenditure of an additional amount not to exceed \$915,539.00 from Fund 41506, CIP 41-929.0 Pump Station Upgrades, is hereby authorized for purposes of funding the agreement and amendment with CGvL Engineers as follows:

| $\underline{\mathbf{FY}}$ | <u>AMOUNT</u> | |
|---------------------------|---------------|----------------------------------------------------------|
| 2004 | \$448,023.00 | |
| 2005 | \$467,516.00 | (contingent upon Council approval of this funding in the |
| | | FY 2005 budget) |

provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under said contract are, or will be, on deposit in the City Treasury.

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

APPROVED: CASEY GWINN, City Attorney

By Thomas C. Zelen

Deputy City Attorney

TCZ:sc 05/03/04

Aud.Cert.:2401039 Or.Dept: MWWD R-2004-1173

f. 299233

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

| AC | 2401039 | |
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| DEPT. | | |
| NO: | 773 | |

| further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriate for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or a anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said mon now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, a otherwise unencumbered. Amount: \$448,023.00 Vendor: CGVL Engineers Purpose: To authorize the expenditure of funds for amendment # 1 with CGvL, and increases to Phase 2 funding. CIP 41- 929.0 PS Upgrades. Date: April 26, 2004 By: Accounting Data Accountin | A | | | | | | | | | | |
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