

ORDINANCE NUMBER O- 070 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 18 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIRST AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND RBF CONSULTING

WHEREAS, on February 25, 2002, the City Manager of the City of San Diego approved a consultant agreement between the City of San Diego [City] and Hirsch Consultant & Company on file in the office of the City Clerk as Document No. RR-296104 [Agreement], to provide design, planning and construction support for replacement of the entire length of the South Mission Valley Trunk Sewer project [Project]; and

WHEREAS, in January 2005, the City requested that the design be split into four separate construction phases to meet budget limits; and

WHEREAS, the City now desires a First Amendment to the Agreement to extend the original agreement to update the design to current standards and provide construction support for the Project; and

WHEREAS, on June 28, 2006, Hirsch Consultants & Company was acquired in a stock transaction by RBF Consulting, who has assumed all on-going contracts, current and future liabilities and all other obligations of Hirsch & Company Consulting; and

WHEREAS, the First Amendment to the Agreement with RBF Consulting will extend the total term of the Agreement beyond five years; and

WHEREAS, under San Diego Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the City Council; NOW, THEREFORE;

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor or his designee is authorized to execute the First Amendment to the Agreement with RBF Consulting for additional engineering consulting services for the Project in an additional amount not to exceed \$394,148 for a total contract amount of \$1,467,119, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 2. That the City Auditor and Comptroller is authorized to transfer \$720,000 from CIP 40-928.0 South Pacific Highway Trunk Sewer to CIP 40-931.0, South Mission Valley Trunk Sewer within Fund 41506, Sewer.

Section 3. That the additional expenditure of \$394,148 from CIP No. 40-928.0 South Mission Valley Trunk Sewer project, Fund No. 41506 Sewer Fund is authorized for RBF Consulting for the design and planning for the updates on the Project.

Section 4. That the expenditure of \$1,190,000 from CIP 40-931.0, South Mission Valley Trunk Sewer, Fund 41506 Sewer is authorized for the purpose of executing this First Amendment in the amount not to exceed \$394,148, and for in-house engineering and related costs in the amount not to exceed \$795,852.

Section 5. That this activity is not subject to the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines section 15060(c)(2) because this activity will not result in direct or reasonably foreseeable indirect physical change in the environment.

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

Section 7. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 8. That this ordinance shall take effect, and be in force on the thirtieth day from and after its final passage. NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

That the Mayor or his designee is hereby authorized and empowered to execute, for and on behalf of the City, a First Amendment to the existing Consulting Agreement with RBF Consulting [First Amendment] which is on file in the office of the City Clerk as Document No.

OO- 5701

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Pedro De Lara, Jr.
Pedro De Lara, Jr.
Deputy City Attorney

PDJ:js
10/09/2007
Or.Dept: E&CP
O-2008-50

(O-2008-50)

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 8 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1-18-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800342
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: \$795,852.00 Fund: 41506

Purpose: Authorizing the transfer of \$720,000 from CIP 40-928.0, South Pacific Highway Trunk Sewer, and the expenditure of funds for related costs for CIP 40-931.0, South Mission Valley Trunk Sewer.

Date: October 30, 2007 By: Robert Barreras
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 | 41506 | 773 | 960 | 4278 | 175780 | | | | 720,000.00 |
| 2 | 0 | 41506 | 773 | 960 | 4278 | 176830 | | | | 75,852.00 |
| TOTAL AMOUNT | | | | | | | | | | \$795,852.00 |

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.

Not to Exceed: \$394,148.00

Vendor: RBF Consulting

Purpose: Authorizing the expenditure of funds for Amendment No. 1 to the Agreement with RBF Consulting for CIP 40-931.0, South Mission Valley Trunk Sewer.

Date: October 30, 2007 By: Robert Barreras
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

| ACCTG. LINE | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ EQUIP | FACILITY | AMOUNT |
|--------------|-------|-------|------|------|---------|-----------|-------------------|-------------|----------|--------------|
| 3 | 0 | 41506 | 773 | 960 | 4118 | 176832 | | | | \$394,148.00 |
| TOTAL AMOUNT | | | | | | | | | | \$394,148.00 |

FUND OVERRIDE