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ORDINANCE NUMBER O- 19763 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 15 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AMENDMENT NO. 2 WITH
MALCOLM PIRNIE, INC. AND AMENDMENT NO. 3
WITH CH2M HILL, INC. FOR VARIOUS WATER
PROJECTS.

WHEREAS, the City entered into an Agreement with Malcolm Pirnie, Inc. [MPI] on April 15, 2002, to provide construction support services on the Earl Thomas Reservoir Replacement, and design and construction support services on the Alvarado Water Treatment Plant [AWTP] Phase II; and

WHEREAS, the City entered into a First Amendment to the Agreement with MPI on March 1, 2007, to extend the contract for three years and increase the compensation by \$1,300,000 to provide construction support services on the Earl Thomas Reservoir Replacement, and design and construction support services on the AWTP Phase II; and

WHEREAS, a Second Amendment to the agreement with MPI is needed to extend the term of the Agreement through December 31, 2012, update the design for the Phase III Rehabilitation of Basins 1 & 2, and to provide construction support services for both Phase IV Ozone Improvements and Phase III Rehabilitation of Basins 1 & 2.; and

WHEREAS, the City entered into an Agreement with CH2M Hill, Inc., on January 14, 2002, to provide construction management services for the Earl Thomas Reservoir Replacement and AWTP Phase II; and

WHEREAS, the City entered into a First Amendment to the Agreement with CH2M Hill, Inc., on July 2, 2004, to provide construction management services for the Earl Thomas Reservoir Replacement and AWTP Phase II; and

WHEREAS, the City entered into a Supplemental Agreement with CH2M Hill, Inc., on November 30, 2006, to provide construction management services for an additional three years for the Earl Thomas Reservoir Replacement and AWTP Phase II; and

WHEREAS, the City entered into a Second Amendment to the Agreement with CH2M Hill, Inc., December 1, 2006, to extend the contract time threes and revise the phase funded compensation schedule by \$467,789.16 to provide construction management services for the Earl Thomas Reservoir Replacement and AWTP Phase II; and

WHEREAS, construction is now proceeding on Phase IV Ozone Improvements, Phase III Rehabilitation of Basins 1 & 2 and SD17FCF/PS at AWTP; and

WHEREAS, a Third Amendment to the Agreement with CH2M Hill is needed to extend the term of the Agreement through December 31, 2013, and to provide construction management services to these projects; and

WHEREAS, each of these various projects are complex and subject to Department of Public Health Compliance Orders; and

WHEREAS, both MPI and CH2M Hill have the needed expertise in the areas of water treatment design development and treatment plant construction management, respectively;

NOW, THEREFORE,

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

Section 1. That the Mayor, be and he is hereby authorized and empowered to execute, for and on behalf of said City, to execute a phase -funded Second Amendment to the Agreement with Malcolm Pirnie, Inc., for design and construction support services in CIP No. 73-261.3, Alvarado Water Treatment Plant-Upgrade and Expansion (Phase IV Ozone Improvements and Phase III Rehabilitation of Basins 1 & 2) in the amount not to exceed \$5,183,696, under the terms and conditions set forth in the agreement on file in the Office of the City Clerk as Document No. OO- 19763 - 1.

Section 2. That funding for the phase funded Second Amendment to the Agreement with Malcolm Pirnie, Inc. shall be allocated as follows: Phase 7 (FY08) = \$1,100,000.00; Phase 8 (FY09) = \$2,100,000.00; Phase 9 (FY10) = \$1,983,696.00. The execution of these phases shall be performed by the Mayor or his designee contingent upon City Council approval of the Project in the Water Department's budget for the above fiscal years, and contingent upon the City Auditor and Comptroller furnishing one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer.

Section 3. That the Mayor, be and he is hereby authorized and empowered to execute, for and on behalf of said City, to execute a phase-funded Third Amendment to the Agreement with CH2M Hill, Inc., for construction management services in CIP No. 73-261.3, Alvarado Water Treatment Plant-Upgrade and Expansion (Phase IV Ozone Improvements and Phase III Rehabilitation of Basins 1 & 2) in the amount not to exceed \$6,433,716 and in CIP No. 73-314.0,

San Diego 17 Flow Control Facility and Pump Station in the amount not to exceed \$969,607, for a total amount of \$7,403,323, under the terms and conditions set forth in the agreement on file in the Office of the City Clerk as Document No. OO- 19763 - 2.

Section 4. That funding for the phase funded Third Amendment to the Agreement with CH2M Hill, Inc. shall be allocated as follows: Phase 6 (FY08) = \$2,027,469.00; Phase 7 (FY09) = \$3,927,333.00; Phase 8 (FY10) = \$1,348,521.00; Phase 9 (FY11) = \$100,000.00. The execution of these phases shall be performed by the Mayor or his designee contingent upon City Council approval of the Project in the Water Department's budget for the above fiscal years, and contingent upon the City Auditor and Comptroller furnishing one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer.

Section 5. That the expenditure of \$3,785,529 from CIP No. 73-261.3, Alvarado Water Treatment Plant-Upgrade and Expansion (Phase III Rehabilitation of Basins 1 & 2), Fund No. 41500, Water, for the purpose of executing these agreements is authorized, contingent upon the City Auditor and Comptroller furnishing one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer.

Section 6. That the expenditure of \$969,607 from CIP No. 73-314.0, San Diego 17 Flow Control Facility and Pump Station, Fund No. 41500, Water, for the purpose of executing the CH2M Hill, Inc. agreement, contingent upon the City Auditor and Comptroller furnishing one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer.

Section 7. Authorizing FY08-Phase 7 in the amount of \$1,100,000 with Malcolm Pirnie, Inc., for Alvarado Water Treatment Plant-Upgrade and Expansion (Phase IV Ozone Improvements and Phase III Rehabilitation of Basins 1 & 2). The execution of these phases shall be performed by the Mayor or his designee contingent upon City Council approval of the Project in the Water Department's budget for the above fiscal years, and contingent upon the City Auditor and Comptroller furnishing one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer.

Section 8. Authorizing FY08-Phase 6 in the amount of \$2,027,469 with CH2M Hill, Inc., for Alvarado Water Treatment Plant-Upgrade and Expansion (Phase IV Ozone Improvements and Phase III Rehabilitation of Basins 1 & 2) and San Diego 17 Flow Control Facility and Pump Station.

Section 9. Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess budgeted funds, if any, to the appropriate reserves.

Section 10. That this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15378(c). This activity is a subsequent discretionary approval covered under LDR No. 40-0259, Addendum to EIR No. 88-0459, Alvarado Water Filtration Plant Expansion and Rehabilitation. The activity is adequately addressed in the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines section 15177.

Section 11. That this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15378(c). This activity is a subsequent discretionary approval covered under Negative Declaration (No. 104515, Final Report Dated November 22, 2006), San Diego 17 Pump Station/22 Flow Control Facility Project. The activity is adequately addressed in the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines section 15162.

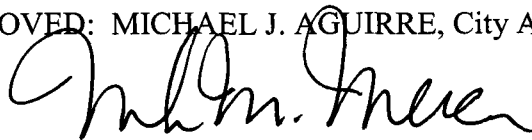
Section 9. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 12. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 13. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By




Mark M. Mercer
Deputy City Attorney

MMM:sb:nda
05/09/08
07/09/08Cor.Copy
Aud.Cert.:
Or.Dept:E&CP
O-2008-125

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 24 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-15-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800775
ORIGINATING DEPT. NO.: 760

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: \$1,100,000.00

Vendor: Malcolm Pirnie, Inc.

Purpose: Authorizing the expenditure of funds for consultant services for Various Water Projects, CIP 732621/732623.

Date: May 7, 2008

By: *Yesli Bezuneh*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	41500	760	391020	4118	189032				\$525,000.00
002	0	41500	760	391020	4118	189122				575,000.00
TOTAL AMOUNT										\$1,100,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

0-19763

JUN 24 2008

AC 2800775

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800776
ORIGINATING DEPT. NO.: 760

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: \$2,027,469.00

Vendor: CH2M Hill, Inc.

Purpose: Authorizing an expenditure of funds for Construction Management for variou Water Projects, CIP 732621/733140.

Date: May 7, 2008 By: *Yeshi Bezuweh*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	41500	760	391050	4159	189036				\$1,957,638.00
002	0	41500	760	391050	4159	184858				69,831.00
TOTAL AMOUNT										\$2,027,469.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2800776

0- 19763

JUN 24 2008