(R-2008-893)

96

RESOLUTION NUMBER R- 303656

DATE OF FINAL PASSAGE MAY 13 2008

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR DESIGN PROFESSIONAL SERVICES WITH BOYLE ENGINEERING CORPORATION RELATED TO MAINTENANCE ASSESSMENT DISTRICT MANAGEMENT.

WHEREAS, this request for City Council approval is made because the proposed contractor, Boyle Engineering Corporation, a California corporation [Boyle], has been awarded contracts with The City of San Diego [City] totaling over \$250,000 during Fiscal Year 2008; and

WHEREAS, Boyle was selected as the most qualified firm following a competitive procurement process in accordance with Administrative Regulation 25.60; and

WHEREAS, Boyle's services are needed to meet the provisions of Article XIIID of the California Constitution (Proposition 218) to levy assessments on real property via the County of San Diego Property Tax enrollment; and

WHEREAS, Boyle would be used on an as-needed basis to evaluate and propose maintenance assessment district [MAD] boundaries, prepare apportionment methodologies, document changes to existing MADs, and prepare reports and assessment maps for the formation of new MADs, each of which requires professional assessment engineering standards considered defensible and meeting the burden-of-proof requirements of Assessment Law, as adopted by the City and interpreted by the City Attorney; and

WHEREAS, under the proposed agreement [Agreement], Boyle would also prepare annual updates to the assessment engineer's reports for the City's existing MADs, and provide other as-needed engineering services; and

WHEREAS, funds for this action are available in the Maintenance Assessment District Management Fund No. 70208 in the amount of \$250,000; and

WHEREAS, Boyle has satisfied two-thirds of the City's voluntary 15% sub-consultant participation goal, and has submitted an Equal Opportunity Employment Plan; and

WHEREAS, Equal Opportunity Contracting staff will monitor compliance with contract goals and the City's Equal Opportunity Contracting and Non-Discrimination in Contracting ordinances; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, the Mayor is authorized to execute an Agreement for Design Professional Services [Agreement] with Boyle Engineering Corporation, a California corporation, a copy of which is on file in the office of the City Clerk as Document No. RR 303656;

BE IT FURTHER RESOLVED, the City Auditor and Comptroller is authorized to appropriate and expend an amount not to exceed \$250,000 from Maintenance Assessment District Management Fund No. 70208 to satisfy the Agreement, provided the City Auditor and Comptroller first furnishes one or more certificates certifying the funds are available.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

Ву

Brock Ladewig

Chief Deputy City Attorney

BL:bas 04/10/08 Or.Dept:P&R R-2008-893 MMS #5584 I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of $\underline{\text{MAY}}$ 6 2008.

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE ORIGINATING

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