

ORDINANCE NUMBER O- 19834 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 02 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE THIRD AMENDMENT TO
THE AGREEMENT WITH MWH AMERICAS, INC. FOR THE
MIRAMAR WATER TREATMENT PLANT UPGRADE AND
EXPANSION PROJECT.

WHEREAS, the original Agreement approved by City Council on March 5, 2001, Resolution No. R-294630 in the amount of \$10,386,078, and on August 2, 2004, the First Amendment to the Agreement (C-12956) to update the insurance coverage requirements and reflect the corporate name change of Consultant and the Second Amendment approved by City Council via Ordinance No. O-19455 on January 17, 2006 for three year time extension; and

WHEREAS, at the time the original Agreement was signed with MWH Americas, Inc., it was contemplated the Upgrade and Expansion of the Miramar Water Treatment Plant would be broken up into three construction contracts starting with the Early Start Improvements Phases [ESIP I & II] and the main treatment plant work; and

WHEREAS, due to funding issues with the CIP Program, the project was further broken up into subprojects titled Contract A, B, C and D. This would allow the Water Department to maintain water reliability both locally and regionally and provided for competitive bidding with General Construction Contractors; 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 the Third Amendment to the Agreement with MWH Americas, Inc., for construction management services in the amount not to exceed \$3,500,000, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. OO- 300.

Section 2. That authorizing the expenditure of \$3,500,000 from the Enterprise Fund CIP No. 73-284.0, Miramar Water Treatment Plant Upgrade and Expansion, Fund 41500, Water, for the construction management services for Miramar Water Treatment Plant, of which \$2,025,000 is for Contract B, \$1,225,000 is for Contract C and \$250,000 is for Contract D, for the purpose of executing this Agreement 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 and upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

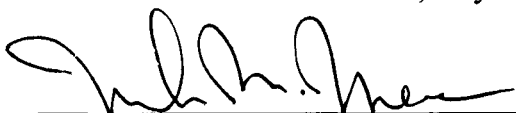
Section 3. That this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval covered under LDR No. 99-0704, Miramar Water Treatment Plant Upgrade and Expansion EIR. The activity is adequately 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 4. 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 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By




Mark M. Mercer
Deputy City Attorney

MMM:nda
12/09/08
Or.Dept:E&CP
O-2009-86

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 17 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3-2-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor