

RESOLUTION NUMBER R- 305980

DATE OF FINAL PASSAGE JUL 20 2010

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING
A CONSULTING AGREEMENT WITH NINYO & MOORE
FOR AS-NEEDED UNDERGROUND STORAGE TANK SITE
ASSESSMENT AND MITIGATION SERVICES.

WHEREAS, in October 2009, the City issued a Request for Proposals to provide as-needed consulting for assessment and mitigation services related to the City's underground storage tank systems; and

WHEREAS, the firm of Ninyo & Moore was selected as the most qualified to provide the services; and

WHEREAS, on May 12, 2010, the Natural Resources & Culture Committee approved this item; NOW, THEREFORE,

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

1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, an agreement with Ninyo & Moore to provide as-needed underground storage tank site assessment and mitigation consulting services for the Environmental Services Department in an amount not to exceed \$1,000,000 over the five-year term of the agreement, under the terms and conditions set forth in the Agreement for As-Needed Consultant Services, on file with the City Clerk as Document No. RR- 305980.

2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$1,000,000 over the five-year term of the above Agreement for purposes of as-needed underground storage tank site assessment and mitigation consulting services, contingent on adoption of the Appropriations Ordinance for the applicable fiscal year and provided that the

City Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

3. That the Chief Financial Officer is authorized to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

4. That the Chief Financial Officer is authorized to expend an amount not to exceed \$1,000 from Fleet Operations Fund No. 720000, solely and exclusively to provide funds for the minimum guaranteed as-needed task order(s) under the above Agreement.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Grace C. Lowenberg
Grace C. Lowenberg
Deputy City Attorney

GCL:mb
06/22/10
C.Cert:3000003335
Or.Dept:ESD
R-2010-840

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of JUL 13 2010.

ELIZABETH S. MALAND, City Clerk

By [Signature]
Deputy City Clerk

Approved: 7-20-10
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000003335
DEPT. NO. 2113

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: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

| Doc. Item | Fund | Funded Program | Internal Order | Functional Area | G/L Account | Business Area | Cost Center | WBS | Original Amount |
|--------------|------|----------------|----------------|-----------------|-------------|---------------|-------------|-----|-----------------|
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| | | | | | | | | | |
| 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: _____ \$1,000.00

Vendor: Ninyo & Moore

Purpose: Authorize expenditure for the guaranteed minimum award for consultant agreement for Site Assessment and Mitigation Services

Date: June 8, 2010 By: [Signature]

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

| Doc. Item | Fund | Funded Program | Internal Order | Functional Area | G/L Account | Business Area | Cost Center | WBS | Original Amount |
|--------------|--------|----------------|----------------|-----------------|-------------|---------------|-------------|-----|-----------------|
| 001 | 720000 | | | | 512214 | 2113 | 2113140011 | | \$1,000.00 |
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| TOTAL AMOUNT | | | | | | | | | \$1,000.00 |

CC-361 (REV 7-09)

FUND OVERRIDE
CC 3000003335

R-05980

JUL 18 2010