

ORDINANCE NUMBER O- 20028 (NEW SERIES)

DATE OF FINAL PASSAGE **MAR 11 2011**

AN ORDINANCE RATIFYING THE THIRD AMENDMENT TO THE CONSULTANT AGREEMENT WITH HNTB CORPORATION FOR THE CONSTRUCTION ADMINISTRATION OF THE BROWN FIELD AIRFIELD ELECTRICAL SYSTEM UPGRADE PROJECT AND AUTHORIZING A FOURTH AMENDMENT TO THE AGREEMENT WHICH IS NEEDED TO EXTEND THE TERM OF THE AGREEMENT IN ORDER TO FINALIZE THE PROJECT.

WHEREAS, October 2004, the City Council approved the selection of HNTB Corporation [HNTB] to design the new Brown Field Airfield Electrical System Upgrade Project [Project] for Brown Field Airport, and authorized the Mayor to enter into a consultant agreement with HNTB; and

WHEREAS, since its approval in 2004, the consultant agreement has been amended three times to include additional scopes of work. The additional work was added throughout the several phases of the Project primarily because the work was requested by the Federal Aviation Administration [FAA] in order to bring the electrical system up to then-current FAA standards. Due to the unanticipated amendments and length of time to conclude the additional work, the Project has now extended for a period of time over five (5) years; and

WHEREAS, the amendments to the consultant agreement did not clearly extend the term of the consultant agreement. A currently valid termination date is necessary in order to closeout

and finalize the Project. Accordingly, the City and HNTB have agreed to enter into a Fourth Amendment for the sole purpose of clarifying the term of the consultant agreement; and.

WHEREAS, the only work remaining to be performed under the consultant agreement is for HNTB to provide the final as-built documentation, and for City staff to complete certain internal Project closeout functions necessary to finalize the Project; and

WHEREAS, in order to bring the consultant agreement into compliance with Charter Section 99 and finalize the Project, the Third Amendment to the consultant agreement, which took the consultant agreement's term over five (5) years, must now be ratified and approved by ordinance and the Fourth Amendment, which clarifies the term of the consultant agreement, must be authorized; NOW, THEREFORE,

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

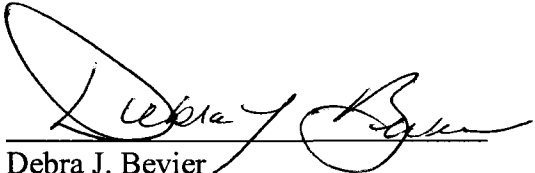
Section 1. That the Amendment No. 3 to the consultant agreement, filed as Document No. RR-303293 on January 8, 2008, is ratified and approved; and the Mayor, or his designee, is authorized to enter into a Fourth Amendment to the consultant agreement, filed as Document No. 00-20028 on MAR 01 2011, 2011.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. This ordinance is declared to take effect and be in force immediately upon its

final passage after two public hearings pursuant to the authority contained in sections 71, 275 and 295 of the Charter of the City of San Diego.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Debra J. Bevier  
Deputy City Attorney

DJB:mm  
12/29/2010  
Or.Dept: READ  
O-2011-64  
PL#2010-05135

I hereby certify that the following Ordinance was passed by the Council of the City of San Diego, at its meeting of MAR 01 2011.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 3.11.11  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor