

RESOLUTION NUMBER R- 306940

# 107

DATE OF FINAL PASSAGE AUG 04 2011

7/26/11

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING A CONTRACT WITH NISSHO  
OF CALIFORNIA, INC. TO PROVIDE LANDSCAPE  
MAINTENANCE SERVICES IN THE TORREY HILLS  
MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Torrey Hills Maintenance Assessment District (Torrey Hills MAD) was originally formed on July 30, 1996, per Resolution No. R-287713, as the Sorrento Hills Landscape Maintenance District; and

WHEREAS, the district was rebaloted on June 16, 1998 to bring the district into compliance with Proposition 218; and

WHEREAS, the district name was changed from Sorrento Hills Landscape Maintenance District to Torrey Hills MAD on June 16, 2003 for consistency with the community planning area name.

WHEREAS, each year the City Council authorizes the levying of assessments in each Maintenance Assessment District and did so most recently on July 20, 2010, per Resolution No. R-306029; and

WHEREAS, in November of 2010, the City issued a Request for Bids for Torrey Hills MAD Landscape Maintenance (Bid Number 9977-11-Q); and

WHEREAS, City staff analyzed bids received and interviewed the lowest bid firms in accordance with San Diego Municipal Code section 22.3001 *et seq.*

WHEREAS, the City selected Nissho of California, Inc. (Nissho) as the lowest responsible bidder; and

WHEREAS, the contract with Nissho will exceed \$1,000,000, and therefore, this contract requires City Council approval in accordance with San Diego Municipal Code section 22.3211(d); and

WHEREAS, the prior Torrey Hills MAD landscaping contracts expired before Council approval could be obtained for the new contracts, and therefore, in order to continue to provide services, Nissho was given notice to initiate the provision of services contingent on Council approval; and

WHEREAS, Nissho began services on March 1, 2011; and

WHEREAS, Council ratification of the contract award is now being requested; 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 award and execute, for and on behalf of the City, a phase-funded contract with Nissho of California, Inc. (Nissho) for landscape maintenance services within the Torrey Hills Maintenance Assessment District (Torrey Hills MAD), having an initial term of two years.

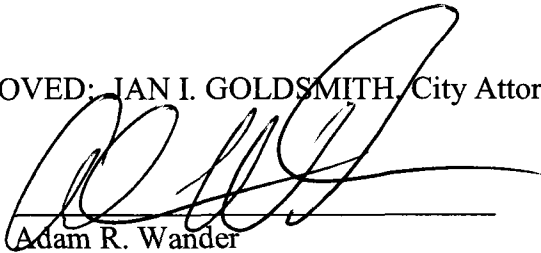
2. That the Mayor or his designee is authorized to exercise up to three one-year contract extension options with Nissho, contingent upon adoption of the resolution authorizing the levy of assessments within the Torrey Hills MAD and the annual budget appropriation ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates 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 expend an amount not to exceed \$3,325,272 over five years (\$200,597 in Fiscal Year 2011; \$611,820 in Fiscal Year 2012; \$642,411 in Fiscal Year 2013; \$674,532 in Fiscal Year 2014; \$708,258 in Fiscal Year 2015;

\$487,653 in Fiscal Year 2016) from Fund No. 200070, Torrey Hills Maintenance Assessment District, for the purpose of funding the above contract, contingent upon adoption of the resolution authorizing the levy of assessments within the Torrey Hills MAD and the annual budget appropriation ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Adam R. Wander  
Deputy City Attorney

ARW: js  
06/30/11  
Or.Dept: Park & Rec  
R-2012-26  
Doc. No. 208088

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 26 2011.

ELIZABETH S. MALAND  
City Clerk

By Carmina J. Trajano  
Deputy City Clerk

Approved: 8-4-11  
(date)

JSL  
JERRY SANDERS, Mayor

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

\_\_\_\_\_  
JERRY SANDERS, Mayor