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2/28

RESOLUTION NUMBER R- 307282

DATE OF FINAL PASSAGE MAR 14 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AWARDING A DESIGN-BUILD CONTRACT  
TO J.R. FILANC CONSTRUCTION COMPANY, INC. FOR  
THE NORTH CITY COGENERATION FACILITY  
EXPANSION SITE DEVELOPMENT.

WHEREAS, on December 4, 1995, the City Council approved a 20 year contract with NEO San Diego LLC (NEO) to install landfill gas (LFG) collection systems in the City's Miramar North, West Phase I and West Phase II Landfills to operate all the Miramar LFG collection systems at no cost to the City; and

WHEREAS, on February 25, 1997, the City Council approved a contract and land lease with MM San Diego LLC, to install a 3.8 MW landfill gas fuel power plant, North City cogeneration Facility (NCCF) as a private facility at the North City Water Reclamation Plant (NCWRP); and

WHEREAS, these contracts have provided the NCWRP with electricity at a discount and the City with free electricity on most of the Miramar Landfill; and

WHEREAS, NEO San Diego LLC and MM San Diego LLC are owned by Fortistar Methane Group (Fortistar); and

WHEREAS, on July 6, 2011, the City Council approved an eight year extension to these contracts allowing NEO to install additional LFG wells to provide fuel to a privatized 3.2MW renewable power plant for the Marine Corp Air Station Miramar and a 1.6 MW City owned renewable power plant at NCWRP; and

WHEREAS, NEO will sell LFG to the Public Utilities Department at a favorable rate and cooperate with the City's plans to build 1.6 MW expansion adjacent to the MM San Diego owned NCCF; and

WHEREAS, this City owned power plant will generate renewable energy to power NCWRP and will generate revenue and cost savings of approximately \$360,000 per year; and

WHEREAS, on December 6, 2011, the City Council of the City of San Diego approved the purchase of a 1.6 MW packaged landfill gas engine generator for the North City Cogeneration Facility Expansion; and

WHEREAS, the City issued a Request for Qualifications to the contractors on the As-Needed Design-Build Services 2009-2011 Short List and selected J.R. Filanc Construction Company, Inc. using the lowest evaluated bid selection process; and

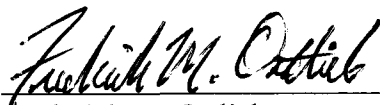
WHEREAS, J.R. Filanc Construction Company, Inc. (Design Builder) will perform all of the site development work and will place the engine generator equipment on concrete pads; the engine generator equipment supplier will complete the installation of their equipment and the Design Builder will complete the installation of all power plant auxiliary equipment and all utilities; 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 and empowered to execute, for and on behalf of the City, to award the North City Cogeneration Facility Expansion Site Development Design-Build Agreement (Project) to the lowest evaluated bidder, J.R. Filanc Construction, Inc. under the terms and conditions set forth in the Request for Proposals, the Proposal submitted by J.R. Filanc, and the City's standard terms for design-build contracts.

2. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$1,794,240 from CIP Fund 700009, Annual Allocation A-BO.00001 (CIP B-11139, North City Cogeneration Facility Expansion) solely and exclusively to provide funds for the above Project provided that the Chief Financial Officer furnishes one or more certificates demonstrating that the funds for this expenditure are, or will be, on deposit in the City Treasury.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Frederick M. Ortlieb  
Deputy City Attorney

FMO:cla  
1/30/2012  
Or. Dept: Public Utilities – Wastewater  
Comp. Cert.: 3000004734  
Doc. #299287

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 28 2012.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 3.14.12  
(date)

  
JERRY SANDERS, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

CC 3000004734  
 DEPT. NO.: 2012

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: \_\_\_\_\_

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
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: \$1,794,240.00

Vendor: J.R. Filanc Construction Company Inc.

Purpose: 1472 authorize the expenditure to award a design build contract for North City Cogeneration Facility Expansion Site Development B-11139 Project.

Date: January 12, 2012 By: Norman Reyes  
 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	700009	B11139		OTHR-00000000-SU	512160	2012		B-11139.06.01.01	\$1,794,240.00
TOTAL AMOUNT									\$1,794,240.00