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2/28

RESOLUTION NUMBER R- 307284

DATE OF FINAL PASSAGE MAR 14 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A THIRD AMENDMENT TO THE LEASE AGREEMENT WITH HAWTHORNE MACHINERY FOR HEAVY DUTY TRACTOR BULLDOZERS, WITH ONE ONE-YEAR OPTION TO RENEW THE AGREEMENT, AND AUTHORIZING EXPENDITURES OF FUNDS THEREFOR.

WHEREAS, the Council in May 2010 by Resolution No. R-305868 authorized an agreement with Hawthorne Machinery Company [Hawthorne] for the lease of heavy duty tractor bulldozers for daily operations at the Miramar Landfill in accordance with Request for Bid No. 9469-09-Y and Hawthorne's response thereto [Agreement]; and

WHEREAS, the Council in July 2010 by Resolution No. R-305979 authorized an amendment to the Agreement to extend its term, and in March 2011 by Resolution No. R-306659 authorized a further amendment to extend the Agreement through March 14, 2012, with two additional one-year options to renew the Agreement remaining; and

WHEREAS, the Environmental Services Department wishes to exercise the option for an additional one-year period to extend the Agreement to March 14, 2013; and

WHEREAS, the Natural Resources & Culture Committee heard this item on February 1, 2012, and recommended approval to the full City Council; 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, a third amendment to the Agreement with Hawthorne Machinery Company for the lease of heavy duty tractor bulldozers with full maintenance, extending the term of the Agreement from March 15, 2012 through March 14, 2013, with an option to renew for one additional one-year period, all

in accordance with Request for Bid No. 9469-09-Y and under the terms and conditions set forth in the Third Amendment to the Agreement, on file with the City Clerk as Document No. RR-

307284

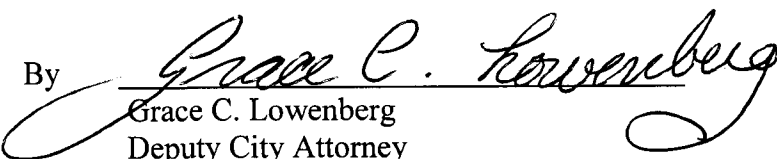
2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$1,625,000 from Refuse Disposal Fund No. 700039, solely and exclusively to provide funds for the Third Amendment, contingent on passage of the Annual Appropriations Ordinance for the applicable fiscal year and provided that the City Comptroller first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury for the Third Amendment.

3. That the Mayor or his designee is authorized to exercise the last option to extend the above Agreement for up to one additional one-year period, under the terms and conditions set forth in the Agreement.

4. That if the Mayor determines to exercise the last one-year option to extend the Agreement, the Chief Financial Officer is authorized to expend an amount not to exceed \$1,625,000 plus a potential price escalation not to exceed 5% of the price in effect at the end of the prior Agreement year, as set forth in the Agreement, to be expended from Refuse Disposal Fund No. 700039 and contingent on: (i) execution of an appropriate amendment to the Agreement; (ii) passage of the Annual Appropriations Ordinance for the applicable fiscal year; and (iii) the City Comptroller first furnishing one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Grace C. Lowenberg
Deputy City Attorney

GCL:mb
02/07/12
C. Cert: 3000004770
Or.Dept:ESD
Doc.No:311884

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its 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 3000004770
 BUS. AREA: 2115

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
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: \$1,625,000.00

Vendor: Hawthorne Machinery Company

Purpose: Authorizing the 3rd amendment to the contract with Hawthorne Machinery Company to lease bulldozers for refuse disposal operations at Miramar Landfill.

Date: January 26, 2012 By: Robert Barreras *Robert Barreras*

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	700039			OTHR-00000000-ES	512036	2115	2115121101		\$1,625,000.00
TOTAL AMOUNT									\$1,625,000.00

FUND OVERRIDE

CC 3000004770