

Stem # 50  
01/29/13  
(O-2013-53)

ORDINANCE NUMBER O- 20243 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 13 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE THIRD AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND MALCOLM PIRNIE, INC. FOR THE ALVARADO WATER TREATMENT PLANT UPGRADE AND EXPANSION PHASE IV.

WHEREAS, on April 15, 2002, the Mayor of the City of San Diego approved a Consultant Agreement between the City of San Diego (City) and Malcolm Pirnie, Inc. (MPI) in the amount of \$7,664,537, on file in the Office of the City Clerk as Document No. RR-296348 (Agreement), to provide construction support services on the Earl Thomas Reservoir Replacement, and design and construction support services on the Alvarado Water Treatment Plant (AWTP) Phase II; and

WHEREAS, on January 9, 2007, Council approved the First Amendment (O-19569) with MPI, to extend the contract for three years and increase the compensation by \$1,300,000 to provide construction support services on the Earl Thomas Reservoir Replacement, and design and construction support services on the AWTP Phase II; and

WHEREAS, on June 24, 2008, Council approved the Second Amendment (O-19763) for an additional amount of \$5,183,696 with MPI needed to extend the term of the Agreement through December 31, 2012, update the design for the Phase III Rehabilitation of Basins 1 & 2, and to provide construction support services for both Phase IV Ozone Improvements and Phase III Rehabilitation of Basins 1 & 2; and

WHEREAS, on July 7, 2009, the City consented to MPI's continued performance of this contract even though they were purchased by ARCADIS U.S., Inc.

WHEREAS, the City now desires a Third Amendment to the Agreement with MPI to extend the original agreement term of the Agreement through December 31, 2013, and provide construction support services to finish Phase IV Ozone items which these items include relocation of the Ammonia Injection at Area 130 to allow proper mixing to meet California Department of Public Health (CDPH) requirements, the installation of a free chlorine residual sample line from the existing Filter Effluent Control Structure to allow samples to go directly to the Operations Lab, and the relocation of the fluorosilicic acid (FSA) injection point at Area 120 to reduce deposit build-up in the Ammonia diffuser pipe; and

WHEREAS, the proposed Third Amendment to the Agreement with MPI is required to provide construction support services to finish Phase IV Ozone items; and

WHEREAS, the Third Amendment to the Agreement with MPI will extend the contract time by one additional year bringing the total term of the Agreement beyond five years; and

WHEREAS, under San Diego Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the City Council; NOW, THEREFORE,

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

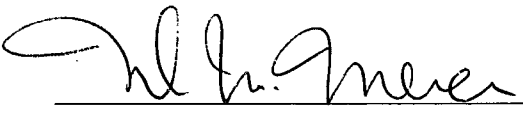
Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of said City, the Third Amendment to an Agreement with Malcolm Pirnie, Inc. for the purpose of completing Phase IV of the Alvarado Water Treatment Plant Upgrade and Expansion, Phase IV- Ozone Improvements (Project) under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk as Document No. OO- ~~20243~~, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

Section 2. That the Chief Financial Officer, upon advice from the administrative department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been made available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect, and be in force on the thirtieth day from and after its final passage.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Mark M. Mercer  
Deputy City Attorney

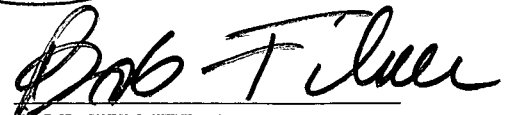
MMM:cw  
12/04/12  
Or.Dept:Public Works/Engineering-AEP  
Doc. No.: 474886

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 29 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2/13/13  
(date)

  
BOB FILNER, Mayor

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

\_\_\_\_\_  
BOB FILNER, Mayor