

Monday 10/9/17

(R-2018-122) Item  
\$400

RESOLUTION NUMBER R- 311347

DATE OF FINAL PASSAGE OCT 11 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO RATIFY AN EMERGENCY CONTRACT FOR STREET SANITATION SERVICES FOR PUBLIC RIGHTS-OF-WAY IN RESPONSE TO THE LOCAL HEPATITIS A OUTBREAK.

WHEREAS, the City of San Diego (City) Purchasing and Contracting Department is requesting ratification of the agreement between the City and Clean Harbors Environmental Services, Inc., (Agreement) that was executed and made effective on September 11, 2017, to provide street sanitation services for public rights-of-way within the City in order to respond to the local Hepatitis A outbreak; and

WHEREAS, San Diego Municipal Code (SDMC) section 22.3208(b) authorizes the award of emergency contracts without advertisement or a competitive process when it is necessary to safeguard life, health, or property due to extraordinary fire, flood, storm, epidemic, or other disaster, provided that the Purchasing Agent immediately reports the emergency award and its justifications to the City Council in writing and the City Council ratifies the award by resolution and by a two-thirds vote; and

WHEREAS, this Agreement is exempt from competitive bidding requirements pursuant to SDMC section 22.3208(b) because it is a contract necessary to safeguard life and health due to an extraordinary epidemic, specifically the local outbreak of Hepatitis A, which is a highly contagious liver infection, and the Purchasing Agent reported the emergency award and its justifications to the City Council on September 26, 2017; and

WHEREAS, on March 3, 2017, the County of San Diego Health and Human Services Agency (HHSA) identified a Hepatitis A outbreak within the City of San Diego, primarily in the homeless and illicit drug use populations; and

WHEREAS, according to the HHSA, the Hepatitis A virus is being spread person-to-person and through contact with a fecally contaminated environment, and it is being spread primarily by the fecal-oral route; and

WHEREAS, between November 22, 2016 and October 3, 2017, HHSA confirmed 481 outbreak cases of Hepatitis A, with 337 of those cases involving hospitalization, and with 17 resulting in death; and

WHEREAS, on August 31, 2017, the San Diego County Public Health Officer of the HHSA (Public Health Officer) issued a directive (Directive) to the City to take immediate action to address this outbreak of Hepatitis A by addressing the unsanitary living conditions of the at-risk population. Specifically, the Directive required the City to immediately implement a prescribed street sanitation protocol for public rights-of-way within the City; and

WHEREAS, on September 1, 2017, the Public Health Officer declared a local health emergency for the entire County of San Diego as a result of the spread of Hepatitis A, which was expressly identified as a threat to public health; and

WHEREAS, as part of the City's comprehensive efforts to address the local Hepatitis A outbreak, and to ensure that its efforts are made in accordance with the Directive, the City required the services of a qualified contractor to perform the street sanitation services on public rights-of-way within the City; and

WHEREAS, Clean Harbors Environmental Services, Inc. is a qualified contractor that has previously contracted with the City and has performed similar street sanitation services within other areas in the state of California; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the agreement between the City and Clean Harbors Environmental Services, Inc. for street sanitation services for public rights-of-way within the City, in an amount not to exceed \$1,300,000, which was awarded by the Purchasing and Contracting Department and made effective on September 11, 2017, and is on file in the Office of the City Clerk as Document No. RR- 311347, is ratified and approved.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
Amanda L. Guy  
Deputy City Attorney

ALG:js  
October 3, 2017  
Or.Dept: Purchasing and Contracting  
Doc. No.: 1594960

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 09 2017.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10/11/17  
(date)

  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: 3000010390  
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: \$1,300,000.00

Vendor: Clean Harbors Environmental Services, Inc

Purpose: Services related to the Hepatitis A Cleanup/Sanitation efforts

Date: October 4, 2017 By: Jonathan Naple  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	100000			OTHR-00000000-SH	512157	2115	2115141111		\$1,300,000.00
TOTAL AMOUNT									\$1,300,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on OCT 09 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 11 2017

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By Hay Meady, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311347