

Tues 5/15/18
Item 57
(O-2018-94)

ORDINANCE NUMBER O- 20933 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 15 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENT WITH U.S. PEROXIDE, LLC FOR THE PEROXIDE REGENERATED IRON-SULFIDE CONTROL (PRI-SCTM) AND PEROXIDE REGENERATED IRON-CHEMICALLY ENHANCED TREATMENT (PRI-CEPTM) PROGRAM.

WHEREAS, the City and U.S. Peroxide, LLC. dba USP Technologies entered into an Agreement to provide the Peroxide Regenerated Iron-Sulfide Control (PRI-SCTM) and Peroxide Regenerated Iron-Chemically Enhanced Primary Treatment (PRI-CEPTM) services for various locations within the Metro Wastewater System, and approved by Council Resolution No. R-308108, dated April 16, 2013; and

WHEREAS, the City's existing MOA has exercised its fourth and final option year (April 14, 2017 – April 15, 2018). In accordance with SDMC §22.3016 and in adherence with City guidelines, Public Utilities Department (PUD) has received sole source authorization No. 3956 in order to amend the USP contract term for continued use of the PRI-SCTM and PRI-CEPTM patented program; 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 hereby authorized and empowered to execute, for and on behalf of said City, Amendment No. 1 to the Agreement with U.S. Peroxide, LLC, dba USP Technologies (USP) for the continued use of the PRI-SCTM and PRI-CEPTTM Program in amount not to exceed \$7,003,750, for the first contract year with four (4) one (1) year options, for a cumulative total not to exceed \$38,700,141, under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk as Document No. OO-

20933

Section 2. That the Chief Financial Officer is authorized to expend a cumulative amount not to exceed \$38,700,414 on an as-required basis over the term of the contract of one (1) year and four (4) one (1) year options, from Metro Sewer Utility Fund 700001, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its final passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By *C. Leone*
Christine M. Leone
Deputy City Attorney

CML:js
3/13/2018
Or.Dept: Public Utilities

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 15 2018

ELIZABETH S. MALAND
City Clerk

By *St. Beach*
Deputy City Clerk

Approved: 5/15/18
 (date)

 Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
 (date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAY 15 2018, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 15 2018

AUTHENTICATED BY:

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

(Seal)

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

By *Elizabeth Maland*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 24 2018, and on MAY 15 2018

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By *Elizabeth Maland*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20933</u>