

RESOLUTION NUMBER R- 311636

DATE OF FINAL PASSAGE APR 24 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING CHANGE ORDER NO. 4 FOR THE
OTAY WATER TREATMENT PLANT CONCRETE WORK
PROJECT (S-11059).

WHEREAS, Orion filed a lawsuit in November 2017, and subsequently, the City and Orion reached a resolution to settle this dispute. Change Order No. 4 is the negotiated settlement between the City and Orion Construction Corporation for all costs incurred on the project as a result of changed conditions in the project. The City of San Diego and Orion Construction Corporation hereby agree to settle all issues, claims and disputes claimed by Orion Construction Corporation on the project in the amount of \$1,023,427.00 and the Payment shall be made on a lump sum basis in the amount of \$1,023,427.00; NOW, THEREFORE,

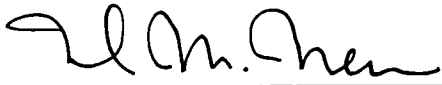
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, Change Order No.4 to Orion Construction Corporation for an amount not to exceed \$1,023,427.00, under the terms and conditions set forth in the Agreement, on file with the Office of the City Clerk as Document No. RR- 311636.

2. That the Chief Financial Officer is authorized to expend an additional amount not to exceed \$1,023,427.00 for S-11059, Otay WTP Concrete Work, Fund 700010, Water Utility CIP for Change Order No. 4, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Mark Matthew Mercer
Deputy City Attorney

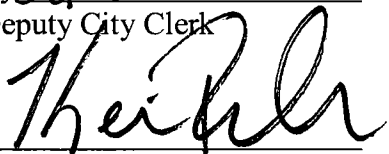
MMM:cw
02/12/18
Or.Dept: Public Works Department
CC No.: N/A
Doc. No.: 1687514

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of APR 10 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/19/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 10 2018, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Barbara Bry | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

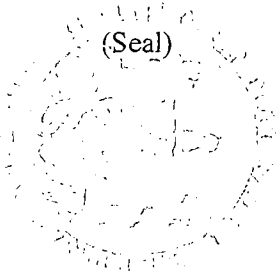
Date of final passage APR 24 2018

(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.



By Hinda Bruin, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311636