

Item 50
4-23-19
(O-2019-114)

ORDINANCE NUMBER O- 21065 (NEW SERIES)

DATE OF FINAL PASSAGE APR 25 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SECOND AMENDMENT TO AN AGREEMENT WITH HAWTHORNE MACHINERY COMPANY FOR THE LEASE AND FULL MAINTENANCE OF HEAVY DUTY EQUIPMENT FOR THE MIRAMAR LANDFILL.

WHEREAS, on March 25, 2014, by Resolution No. R-308836, the City Council authorized an agreement with Hawthorne Machinery Company for the lease and full maintenance of heavy duty equipment for the Miramar Landfill, in an amount not to exceed \$3,900,000 (Agreement); and

WHEREAS, on August 3, 2018, by Resolution No. R-311927, the City Council authorized the First Amendment to the Agreement, to increase the total compensation under the Agreement by an amount not to exceed \$500,000 to cover equipment repair costs, as needed, and allow deferment of non-critical repairs; and

WHEREAS, the Agreement will terminate by its own terms on April 30, 2019, if not extended; and

WHEREAS, the City of San Diego is currently finalizing a new Invitation to Bid (ITB) to obtain a new lease and maintenance agreement for heavy duty landfill equipment and the ITB process is expected to be completed in September 2019; however, additional time will be required for the contractor to manufacture and deliver the equipment; and

WHEREAS, the parties desire to extend the Agreement while the new ITB process is completed and the new contract for these goods and services is awarded; and

WHEREAS, the City desires to extend this Agreement because the heavy-duty landfill equipment is nearing the point where major overhauls would be necessary, extension of the current Agreement at the original Agreement prices rather than exercising the purchase option, would significantly benefit the City by avoiding the cost of a major equipment overhaul; and

WHEREAS, the equipment is essential to the continued operation of the Miramar Landfill and Greenery, compliance with the City of San Diego's Zero Waste Plan, and mandatory permit conditions; and

WHEREAS, the Parties wish to amend the Agreement to increase the duration of the Agreement by twelve months, to April 30, 2020, and increase total compensation under the Agreement by an amount not to exceed \$914,435; and

WHEREAS, under 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 members elected to the 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 and directed to execute, for and on behalf of the City, the Second Amendment to the Agreement with Hawthorne Machinery Company for the purpose of extending the term of the Agreement and increasing the total compensation under the Agreement by \$914,435 for the new Funding Phase Seven of the Agreement.

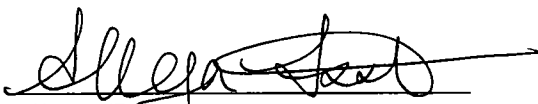
Section 2. That the Chief Financial Officer is authorized to expend an amount not-to-exceed \$914,435 from Refuse Disposal Fund No. 700039, for the remaining term of the Agreement beginning in Fiscal Year 2019, solely and exclusively to provide funds for the Second Amendment to the Agreement, contingent upon City Council approval of the annual

Appropriations Ordinance for the applicable fiscal years and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

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

Section 4. 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 
Allegra Frost
Deputy City Attorney

AF:hm
March 19, 2019
Or.Dept:SLA
Doc. No.: 1961301

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 23 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/25/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 23 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 25 2019.

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 [Signature], 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 08 2019, and on APR 25 2019.

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 [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21065