

RESOLUTION NUMBER R- 312922

DATE OF FINAL PASSAGE APR 09 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO RATIFYING AN EMERGENCY SOLE SOURCE AGREEMENT WITH SHEFA ENTERPRISES, INC. TO PROVIDE ENVIRONMENTAL HAZARD CONSULTING AND ADVISE ON ASBESTOS REMEDIATION PROTOCOLS FOR THE 101 ASH STREET BUILDING AND RELATED ACTIONS.

WHEREAS, the City of San Diego (City) Public Works Department is requesting ratification of the agreement between the City and Shefa Enterprises, Inc. (Agreement) that was executed February 28, 2020, and made effective retroactively to January 18, 2020, to provide environmental hazard consulting and advise on asbestos remediation protocols in response to the asbestos public nuisance declared at the 101 Ash Street Building by the County of San Diego Air Pollution Control District (APCD); and

WHEREAS, San Diego Municipal Code (SDMC) sections 22.3208(b) and 22.3208(d) authorize 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 reports the emergency award and its justification to the Council of the City of San Diego (City Council) and the City Council ratifies the award by resolution and by a two-thirds vote; and

WHEREAS, on January 16, 2020, APCD sent a Notice of Violation to the City declaring a public nuisance at the 101 Ash Street Building, due to test results confirming asbestos containing material in an area near employee occupied space; and

WHEREAS, the City, on January 17, 2020, decided to evacuate employees from the 101 Ash Street Building to protect employees and the public, and sought out the advice of an

environmental hazard consultant, to quickly assess the situation in the 101 Ash Street Building and develop an effective asbestos remediation plan for the site; and

WHEREAS, Shefa Enterprises, Inc. was selected because Ms. Shefa is a Certified Asbestos Consultant with substantial experience in this field; and

WHEREAS, ratification of this Agreement requires a resolution passed by a two-thirds vote of the City Council; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Agreement between the City and Shefa Enterprises, Inc. for environmental hazard consulting and asbestos remediation protocols, which was executed on February 28, 2020 by the Purchasing and Contracting Department, with a retroactive effective date of January 18, 2020, and is on file in the Office of the City Clerk as Document No. RR-312922, is ratified and approved.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an amount not to exceed \$200,000 from Fund 720045, Public Liability Fund, contingent upon the adoption of the Appropriation Ordinance for the applicable Fiscal Year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, for the purpose of funding the Agreement.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Christina L. Rae
Christina L. Rae
Deputy City Attorney

CLR:cw
03/03/20
03/12/20 COR. COPY
Or.Dept: Public Works
CC No.: 3000013070
Doc. No.: 2341793_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of 04/07/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Gil Sanchez
Deputy City Clerk



KEVIN L. FAULCONER, Mayor

Approved: 4/9/2020
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. 3000013070
1615

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: _____ \$200,000.00

Vendor: Shefa Enterprises, Inc.

Purpose: Ratify an emergency Sole Source Agreement with Shefa Enterprises, Inc. to support asbestos remediation efforts at 101 Ash Street

Date: March 4, 2020 By: Justin Byko
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	720045			OTHR-00000000-GG	512008	1515	151500011		\$200,000.00
TOTAL AMOUNT									\$200,000.00

Passed by the Council of The City of San Diego on APR 07 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" 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 09 2020

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

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 Cannie Patterson, Deputy
for Stacy Ready

Office of the City Clerk, San Diego, California
Resolution Number R- 312922