

12/2021
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ITEM 50A 12/08/2020
(O-2021-48)
COR. COPY

ORDINANCE NUMBER O- 21278 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 15 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING FIRST AMENDMENT TO
AGREEMENT H176824 WITH BLACK AND VEATCH
CORPORATION.

WHEREAS, on July 19, 2017, the City of San Diego (City) awarded an Agreement to Black & Veatch Corporation, Inc. to provide construction management services for the PS2 for an amount not to exceed \$3,749,869.00 for a duration of 5 years. The services provided by Black & Veatch Corporation include oversight and overall management of the construction contract, including quality assurance and specialty inspections, operational and functional testing of large complex equipment (power backup generators), and start up and final commissioning of the facility; and

WHEREAS, the construction of the project began on August 8, 2017 with a contract duration of 48 months scheduled to be completed in August 2021. The project is approaching the 60% completion and is now expected to be in operation by December 2022 with the completion of all post construction requirements by March 2024; and

WHEREAS, during construction, the Contractor has had various challenges that have delayed the schedule, such as, accurately performing modeling, layout and installation of the generator building underground equipment, and receiving and installing the structural steel for the generator building roof. These delays also impacted the schedule for the pump replacement work which is restricted to replacing one pump during the dry season of each year, as all eight wastewater pumps for this pump station are required to be in operation during the rainy season (October through May). The first pump replacement was originally scheduled for dry season of

2020 (June - September), and the second pump by 2021. It is expected that the Contractor will now perform the work for the first pump replacement in the dry season of 2021, and the second pump replacement in 2022. City staff has issued notices to the Contractor notifying them of the delays in schedule, and that the City reserves the right to assess liquidated damages; and

WHEREAS, as a result of the challenges described, and the potential of further unforeseen challenges on a project of this complexity, it is necessary to extend the contract an additional 24 months (2 years) from July 19, 2022 to July 19, 2024 and add additional funding to Black and Veatch Corporation's contract via Amendment No.1. This Amendment No. 1 is for an amount not to exceed \$2,500,000.00 to cover an additional 24 months bringing the total contract term to 7 years. It will cover the essential support and uninterrupted Construction Management Services throughout the remainder of the construction phase, including startup and commissioning, coordination with Operations and Maintenance staff, resolution of any claims, and final closeout and acceptance; 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 approved 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 authorized to execute, for and on behalf of said City, the First Amendment to the Agreement with Black and Veatch Corporation for

construction management services under the terms and conditions set forth in the First Amendment to the Agreement, on file in the office of the City Clerk as Document

No. OO - 21278

Section 2. That the Chief Financial Officer is authorized to transfer appropriations of \$3,000,000.00 from CIP A-BO.00001, Metro Treatment Plants to CIP S-00312, PS2 Power Reliability & Surge Protection within Fund 700009, Metro Sewer CIP.

Section 3. That the Chief Financial Officer is authorized to expend an amount not to exceed \$2,500,000.00 in CIP S-00312, PS2 Power Reliability & Surge Protection, Fund 700009, Metro Sewer CIP, for the purpose of executing this First Amendment to the Agreement with Black and Veatch Corporation for a total not-to-exceed amount of \$6,249,869.00, contingent upon the City Comptroller first certifying funds are available providing funds for the above referenced Project..

Section 4. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 5. 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 passage.

Section 6. 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 /s/ Christine M. Leone
Christine M. Leone
Chief Deputy City Attorney

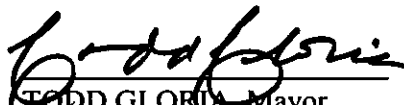
CML:soc
10/07/2020
12/02/2020 Cor. Copy
Or.Dept: Engineering & Capital Projects
CC No.: 3000013536/3000013539
Doc. No.: 2483728_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of 1/12/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 1/15/2021
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000013536
DEPT. NO. 2112

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: _____

Purpose: _____

Date: _____

By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	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: \$2,500,000.00

Vendor: Black & Veatch Corporation

Purpose: To authorize the expenditure of funds not to exceed \$2,500,000.00 to Black & Veatch Corporation for the First Amendment to the Agreement for construction management services for the Pump Station 2 Power Reliability and Surge Protection project.

Date: October 6, 2020

By: Daniel Moore
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	S00312	700009	NOT_RELEVANT_GRANT	512026	OTHR-00000000-PR	2012	2012111212	S-00312.06.02	\$2,500,000.00
TOTAL AMOUNT									\$2,500,000.00

DL

FUND OVERRIDE

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000013539

DEPT. NO.: 2112

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: \$3,000,000.00

Purpose: To authorize the transfer of appropriations not to exceed \$3,000,000 to reserve funding for the execution of the First Amendment to the Agreement with Black & Veatch Corporation and the Third Amendment to the Agreement with Lee & Ro, Inc for the Pump Station 2 Power Reliability and Surge Protection project

Date: October 6, 2020

By: Daniel Moore
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	ABO00001	700009	NOT_RELEVANT_GRANT	512117	OTHR-00000000-PR	2012	2012111201	A-BO.00001	3,000,000.00
TOTAL AMOUNT									3,000,000.00

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: _____

Vendor: _____

Purpose: _____

Date: _____

By: _____
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1									
TOTAL AMOUNT									

FUND OVERRIDE

Passed by the Council of The City of San Diego on JAN 12 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 15 2021.

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

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

By Connie Patterson, Deputy
for Matt Hilario

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 DEC 08 2020, and on JAN 15 2021.

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 Connie Patterson, Deputy
for Matt Hilario

Office of the City Clerk, San Diego, California
Ordinance Number O- 21278