

11.12.2021
#50B

ITEM 50B 12/08/2020
(O-2021-49)
COR. COPY

ORDINANCE NUMBER O- 21279 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 15 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING A THIRD AMENDMENT TO
THE AGREEMENT (H115417) WITH LEE AND RO INC. FOR
PUMP STATION 2 POWER RELIABILITY & SURGE
PROTECTION PROJECT.

WHEREAS, on May 30, 2012, the City of San Diego (City) awarded an Agreement (RR-307458) to Lee and Ro, Inc., in the amount of \$1,750,000 for professional design and construction support services. The scope of work was to evaluate the most feasible alternatives for a new reliable backup power system according to U.S. Environmental Protection Agency (EPA) guidelines for independent backup power meeting all current safety and operation standards and to develop construction plans and specifications for the most feasible backup power alternative; and

WHEREAS, the purpose of this Pump Station 2 (PS2) Power Reliability & Surge Protection Project is to meet current EPA guidelines requiring the station to be equipped with independent backup power sources through installation of on-site backup power generators. The backup power generators will also provide surge protection to prevent a water hammer effect that could damage the force main pipes during a power outage event. The project scope consists of construction of four (4) new large emergency power backup generators, a new power generator building and new covered backup fuel storage area, replacement of the two (2) pumps driven by natural gas engines, mechanical, electrical, instrumentation and control systems, and all site restoration necessary for a complete and functional facility; and

WHEREAS, on April 21, 2015, the City authorized the First Contract Amendment with Lee and Ro, Inc. to extend the contract duration through April 2020 and to increase the contract amount by \$350,000 for additional design scope changes; and

WHEREAS, on April 18, 2018, the City authorized the Second Contract Amendment with Lee and Ro, Inc. to extend the contract duration through August 2022 and to increase the contract amount by \$2,250,000 for construction support services that were not part of the original agreement and first contract amendment; and

WHEREAS, due to delays in construction, a Third Contract Amendment with Lee and Ro, Inc. is necessary to extend the contract an additional 30 months from August 20, 2022 to February 20, 2025 and add additional funding to Lee and Ro's contract in an amount not to exceed \$975,000 bringing the total term to 12.5 years for a cumulative not-to-exceed amount of \$5,325,000; and

WHEREAS, the scope of professional services included in the Third Contract Amendment will provide for the additional construction support required for the full duration of the construction contract, which includes additional site meetings, coordination with City staff, contractor, and utility companies; 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, a Third Amendment to the Consultant Agreement with Lee and Ro, Inc., under the

terms and conditions set forth in the Third Amendment to the Agreement, on file in the office of the City Clerk as Document No. OO - 21279

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$975,000.00 in CIP S-00312, PS2 Power Reliability & Surge Protection, Fund 700009, Metro Sewer CIP, for the purpose of executing this Third Amendment to the Consultant Agreement with Lee and Ro, Inc., for a total not to exceed amount of \$5,325,000.00, contingent upon the City Comptroller first certifying funds are available for the above referenced Project.

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

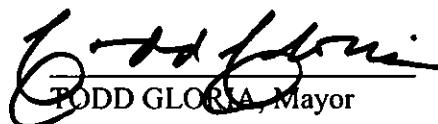
CML:soc
10/07/2020
12/02/2020 Cor. Copy
Or.Dept: Engineering & Capital Projects
CC No.: 3000015358
Doc. No.: 2484093_2

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 3000015358
 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: \$975,000.00

Vendor: Lee & Ro, Inc

Purpose: To authorize the expenditure of funds not to exceed \$975,000.00 to Lee & Ro, Inc for the Third Amendment to the Agreement for design and construction support 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	512034	OTHR-0000000-PR	2012	2012111212	S-00312.06.02	\$975,000.00
TOTAL AMOUNT									\$975,000.00

DL

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- 21279