

# 103  
4/16/2021

(R-2021-373 REV.)

RESOLUTION NUMBER R- 313476

DATE OF FINAL PASSAGE APR 14 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING EXECUTION OF A SOFTWARE  
AS A SERVICE AGREEMENT WITH SMART ENERGY  
SYSTEMS, INC. FOR THE MYWATERSD UTILITY WEB  
PORTAL, MOBILE APPLICATION AND RELATED  
SERVICES.

WHEREAS, the City's Public Utilities Department (PUD) Customer Support Division is responsible for customer service and oversight of water utility billing; and

WHEREAS, in 2016 the City entered into an agreement with Smart Utility Systems, now known as Smart Energy Systems, Inc., dba Smart Energy Water (SEW), to license to the City rights to use SEW's web portal and mobile application, MyWaterSD; and

WHEREAS, SEW also offers additional modules focusing on workforce optimization and detailed reporting and analytics that would allow PUD to better serve their customers; and

WHEREAS, it is imperative for PUD to provide a web portal and mobile application for its customers to use to pay their utility bills, access account information, and view water consumption; and

WHEREAS, PUD is requesting that the City Council authorize execution of a five-year Software as a Service Terms and Conditions agreement with SEW (Agreement) in an amount not-to-exceed \$16,300,000, which includes a support plan, contingency amount, credit card fees and a license fee which will be charged on a per-meter basis at \$0.85 with total licensing fees projected to be \$1,216,359 over the five-year term; and

WHEREAS, the City's Purchasing Director certified that this Agreement satisfies the San Diego Municipal Code's requirements for a sole source procurement; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor or his designee is hereby authorized to execute an Agreement between the City of San Diego and Smart Energy Systems, Inc., dba Smart Energy Water (SEW), to provide a Software as a Service (SaaS) solution and related consulting services to support the MyWaterSD portal and mobile application in an amount not to exceed sixteen-million-three-hundred-thousand dollars (\$16,300,000) during a term of five years, under the terms of the Agreement which is on file with the City Clerk as Document No. RR-313476, provided that, within 120 days of the Effective Date of the Agreement, the City of San Diego, as allowed under the Agreement, adopts a convenience fee model for credit card payments. The convenience fee model, also known as Utility Customer Paid Pricing, will require City of San Diego utility customers to pay a fee to use a credit card.

BE IT FURTHER RESOLVED, that the that the Chief Financial Officer is authorized to expend an amount not to exceed \$16,300,000 over the full term of the Agreement, of which \$479,388 is estimated to be spent in Fiscal Year 2021 (\$239,694 from Fund 700000, Muni Sewer Revenue, and \$239,694 from Fund 700011, Water Utility Operating), and a total of \$15,820,612 for all subsequent years (\$7,910,306 from Fund 700000, Muni Sewer Revenue, and \$7,910,306 from Fund 700011, Water Utility Operating), contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal years and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Steven R. Lastomirsky  
Steven R. Lastomirsky  
Deputy City Attorney

SRL:jvg

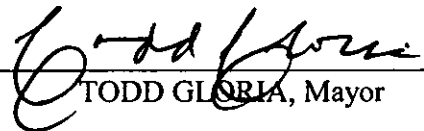
2/24/21  
4/6/21 REV.  
Or.Dept: Information Technology  
CC No. N/A  
Doc. No.: 2597654\_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 4/6/2021.

ELIZABETH S. MALAND  
City Clerk

By /s/ Matthew R. Hilario  
Deputy City Clerk

Approved: 4/13/21  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 06 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 APR 14 2021.

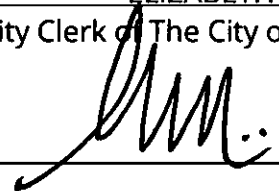
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

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