

ORDINANCE NUMBER O- 21536 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 12 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE THIRD AMENDMENT TO THE CONSULTANT AGREEMENT WITH MICHAEL BAKER INTERNATIONAL TO PROVIDE CONTINUED CIVIL ENGINEERING SERVICES IN SUPPORT OF THE 69TH & MOHAWK PUMP STATION (H146059) AND RELATED ACTIONS.

WHEREAS, the 69th and Mohawk Pump Station project involves the construction of a new pump station at the intersection of 69th Street and Mohawk Street (Project); and

WHEREAS, on July 1, 2014, the City awarded a consultant agreement (H146059) to Michael Baker International (MBI) with a total compensation amount of \$992,094 and an expiration date of April 14, 2019, to provide civil engineering services for the design of the Project (Consultant Agreement); and

WHEREAS, the Project has encountered several unforeseen challenges to date resulting in delays to the Project's scheduled completion date; and

WHEREAS, on December 10, 2018, the City Council passed Ordinance O-21017, authorizing a first amendment to the Consultant Agreement to extend the contract duration beyond five years and increase the total compensation by an amount not to exceed \$125,154; and

WHEREAS, on October 6, 2020, the City Council passed Ordinance O-21238, authorizing a second amendment to the Consultant Agreement (Second Amendment) to extend the contract duration to July 15, 2021, and increase the total compensation by an amount not to exceed \$195,000; and

WHEREAS, once finalized, the Second Amendment only increased the total compensation by \$87,480, not the full \$195,000 as authorized by O-21238; and

WHEREAS, the Project is now expected to be completed in the winter of 2023; and

WHEREAS, a further extension of the Consultant Agreement with MBI is essential for the continuation of professional services for the remainder of the Project; and

WHEREAS, the City now desires to amend the Consultant Contract for a third time to increase the total compensation amount by \$161,875 and extend the expiration date to June 30, 2024; 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; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff with the understanding that this information is complete, true, and accurate; 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 the third amendment with Michael Baker International included in the staff materials accompanying this ordinance, and that once signed, will be on file with the City Clerk as Document No. 00-21536 (Third Amendment), which extends the expiration date of the Consultant Agreement to June 30, 2024, and increases the total compensation amount by \$161,875 to provide continued civil engineering services support to CIP S-12011, 69th & Mohawk Pump Station project.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$161,875 from CIP S-12011, 69th and Mohawk Pump Station project, Fund 700010, Water Utility CIP, for the purpose of executing the Third Amendment.

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 /s/ Adam R. Wander
Adam R. Wander
Deputy City Attorney

ARW:cw
08/23/2022
Or.Dept: Engineering & Capital Projects
CC No.: 3000014970
Doc. No.: 3068440

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 03 2022

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 10/12/22
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. 3000014970
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: \$161,875.00

Vendor: Micheal Baker International

Purpose: To authorize the expenditure of funds not to exceed \$161,875.00 to Michael Baker International for 3rd amendment to Consultant Agreement (H146059) for desgn and construction support for the 69th and Mohawk Pump Station project.

Date: July 5, 2022

By: DeJuan Lewis
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	S-12011	700010	NOT_RELEVANT_GRANT	512034	OTHR-00000000-WU	2013	2013131216	S-12011.06.02	\$161,875.00
TOTAL AMOUNT									\$161,875.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on OCT 03 2022, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 12 2022.

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 [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 SEP 20 2022, and on OCT 12 2022.

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- 21536