

ORDINANCE NUMBER O- 21540 (NEW SERIES)DATE OF FINAL PASSAGE OCT 12 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO  
AS-NEEDED CONTRACT H176852 WITH KITCHELL CEM  
FOR CONSTRUCTION MANAGEMENT SERVICES  
ASSOCIATED WITH EXECUTION OF THE CITY'S  
MUNICIPAL ENERGY STRATEGY.

WHEREAS, the City has set a goal to bring all municipal buildings and operations to zero emissions by 2035, as established in the City's Municipal Energy Strategy and reinforced in the draft 2022 Climate Action Plan update; and

WHEREAS, in order to understand the scope and costs of these retrofits, the Sustainability and Mobility Department, in collaboration with Asset Managing Departments and the Department of General Services, is pursuing decarbonization and EV infrastructure assessments for all of its existing facilities, including but not limited to Libraries, Police Stations, Fire Stations, Public Utilities Department Facilities, Parks and Recreation Facilities, and shared facilities; and

WHEREAS, As-Needed Contract H176852 with Kitchell CEM for construction management services (Contract) was approved by City Council Resolution RR-311322 on September 19, 2017 and fully executed on May 18, 2018, with a term of five years and a not-to-exceed value of \$1,000,000; and

WHEREAS the City has additional construction management service requirements at this time that are beyond the initial Contract provision, and the parties desire to amend the Contract to provide an extension of term for an additional two years and to increase the total authorized expenditure by an additional \$3,000,000, bringing the total term to seven years and total authorized expenditure to \$4,000,000; 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 designee, is authorized to execute a First Amendment to the As-Needed Contract H176852 with Kitchell CEM, providing for an additional Contract amount not to exceed \$3,000,000 and an extension of the term for an additional two years, bringing the total authorized maximum cost of the Contract to \$4,000,000 and the total Contract term to seven years.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$3,000,000 from the Energy Conservation Fund 200224 and an amount not to exceed \$1,000,000 from the Fleet Operations Operating Budget Fund 720000 for the purpose of executing this First Amendment to the Contract, contingent upon inclusion of the annual authorized expenditure for the Contract in the adopted Appropriation Ordinance for the applicable fiscal years, and contingent upon the Chief Financial Officer furnishing a certificate certifying the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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/ Frederick M. Ortlieb  
Frederick M. Ortlieb  
Senior Deputy City Attorney

FMO:cw  
08/26/22  
Or.Dept: Sustainability and Mobility Department  
CC No.: N/A  
Doc. No.: 3073289

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

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 13 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

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21540</u></p>
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