

#55  
11/01/22

(O-2023-58)

ORDINANCE NUMBER O- 21559 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 14 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE THIRD AMENDMENT TO THE SOLE SOURCE AGREEMENT WITH MOFFAT & NICHOL (H166798) FOR ADDITIONAL CONSULTING SERVICES DURING THE DESIGN AND CONSTRUCTION OF THE OCEAN BEACH PIER REPLACEMENT PROJECT AND RELATED ACTIONS.

WHEREAS, the Ocean Beach Pier (Pier) opened in July 1966. The Pier was constructed to initially support sportfishing but has become a landmark for the City of San Diego and the local community of Ocean Beach, supporting a variety of recreational activities; and

WHEREAS, the Pier has undergone multiple structural repairs over the years, including a structural rehabilitation effort in 1991. During the winter storms of 2019, the Pier suffered significant damage, notably impacting the superstructure. Before the Pier was restored to public access, the railings were structurally repaired. In the winter of 2021, another series of storms hit the coast, causing substantial damage to the Pier's superstructure and substructures. An emergency project was initiated to structurally repair two piles while City Facilities repaired more damaged railings. Additionally, operational restrictions were placed on the Pier to reduce loading demands as well as to protect the public in the case of extreme weather events; and

WHEREAS, after numerous repairs, continual corrosion, deterioration, sea level rise, increased storm frequencies, and other factors, rehabilitation of the Pier is no longer possible. Additionally, rehabilitation will not achieve compliance with current seismic codes. A full replacement of the Pier is necessary to extend the useful life of the asset for future generations; and

WHEREAS, in 2017, Moffatt & Nichol was contracted under the Sole Source Agreement (H166798) (Agreement) to provide structural inspections, evaluations, repair recommendations, as well as to prepare bridging documents for the repair of the Pier. At the time, it was anticipated that the Pier would undergo a similar rehabilitation process as was completed in 1991; and

WHEREAS, the First Amendment to the Agreement in February 2018 added additional funding and time for the structural evaluation of the Pier. The Second Amendment in August of 2018 was a no-cost amendment to provide additional time; and

WHEREAS, the replacement option requires greater predesign services from Moffatt & Nichol than a less complicated rehabilitation effort. Moffatt & Nichol has completed a portion of the pre-design services and has acquired a comprehensive understanding of the project and its challenges; and

WHEREAS, Moffatt & Nichol has more than 70 years of Southern California-based waterfront engineering experience and the firm is an established expert in the highly specialized marine structural engineering industry. The lengthy competitive process to procure a new consultant to provide predesign, bridging documents and construction support services would result in significant delays due to the learning curve of understanding the intricacies of the project. Delays could impact the project schedule and put available grant funding at risk. Allowing Moffatt & Nichol to continue to provide bridging document preparation and construction support services under a Sole Source Agreement will allow the City to proceed with the necessary work and eliminate redundant costs; and

WHEREAS, under this proposed Third Amendment to the Sole Source Agreement (H166798) (Third Amendment), Moffatt & Nichol will provide the City a continuation of pre-design services to achieve complete bridging documents for the replacement of the Pier via a Design-Build Request-for-Proposal package, support to the City through the solicitation of a Design-Build team, as well as construction support for the City for the ultimate construction of the Pier; and

WHEREAS, the City has appointed an Ocean Beach Pier Replacement Task Force consisting of local Community volunteers to develop the preferred Pier replacement scope and program. Under this proposed Third Amendment, Moffatt & Nichol and their subconsultants will support this Task Force in the development of the preferred alternative; and

WHEREAS, additionally, Moffatt & Nichol will obtain all necessary environmental permits including CEQA and NEPA documentation. Achieving final bridging documents and all associated environmental permits will bring the project to a “shovel ready condition”, making the project much more competitive for future Federal, State, and private grant opportunities. This Third Amendment will also provide for support to the City in the research and outreach for these grant opportunities; and

WHEREAS, the City received \$8.4 million in Local Assistance Specified Grant Funding from the State of California Natural Resources Agency Department of Parks and Recreation. These grant funds, with a performance period from July 01, 2021 to June 30, 2024, are to provide for the design and construction of a new Pier in Ocean Beach. These grant funds will be used to fund Moffat & Nichol’s scope of services in this Third Amendment; and

WHEREAS, this Third Amendment will extend the duration of the Agreement to December 30, 2028 and will increase the not-to-exceed value of the Agreement from \$685,495 to \$8,184,570; and

WHEREAS, under San Diego 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 sign the Third Amendment to the Sole Source Agreement (H166798) with Moffatt & Nichol included in the staff materials accompanying this ordinance, and that once signed, will be on file with the City Clerk as Document No. OO 21559, which extends the expiration of the Agreement to December 30, 2028, and increases the not-to-exceed value of the Agreement from \$685,495.00 to \$8,184,570.00 for additional consultant services necessary during the design and construction for the OB Pier Replacement Project.

Section 2. That the expenditure of an amount not to exceed \$7,499,075.00 from CIP L-22001.1, Ocean Beach Pier Replacement Phase 1, from Fund 600001, Grant Fund State (1000706-2022), is authorized for the purpose of executing this Third Amendment to the Agreement, contingent upon the City Comptroller first certifying funds are available providing funds for the above referenced Project.

Section 3. 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 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/ Ryan P. Gerrity  
Ryan P. Gerrity  
Deputy City Attorney

RPG:cw:cm  
8/25/2022  
CC No.: 3000015060  
Or.Dept: Strategic Capital Projects Department  
Doc. #3071929

I certify that this Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 01 2022.

ELIZABETH S. MALAND  
City Clerk

By *Kristine Medina*  
Deputy City Clerk

Approved: 11/10/22  
(date)

*Todd Gloria*  
TODD GLORIA, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: 3000015060  
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: \$7,499,075.00

Vendor: Moffatt & Nichol

Purpose: To authorize the expenditure of funds not to exceed \$7,499,075 for the Third Amendment to the Original Sole Source Agreement (H166798) with Moffatt & Nichol for additional consultant services necessary during the design and construction for the OB Pier Improvements project.

Date: 8/24/2022

By: Travis Brady  
 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	L220011	600001	1000706-2022	512034	OTHR-00000000-CL	1714	1714121126	L22001.1.02.02	\$7,499,075.00
2									
3									
4									
5									
6									
7									
8									
9									
TOTAL AMOUNT									\$7,499,075.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on NOV 01 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 NOV 14 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 Kristell Medina, 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

OCT 11 2022, and on NOV 14 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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

**21559**

Ordinance Number O-\_\_\_\_\_