

608
08/01/2022

(R-2023-61)
COR. COPY

RESOLUTION NUMBER R- 314277

DATE OF FINAL PASSAGE AUG 09 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE ONE OR MORE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT WITH FLATIRON WEST, INC. (K-21-1807-DBB-3-A) FOR THE MORENA PUMP STATION AS NECESSARY TO ADDRESS THE DEWATERING CHANGED CONDITION FOR A TOTAL COMBINED AMOUNT NOT TO EXCEED \$20,000,000.

WHEREAS, on April 28, 2021, the City of San Diego (City) entered into construction contract K-21-1801-DBB-3-A with Flatiron West, Inc. (Contractor) for the Morena Pump Station for an amount not to exceed \$110,386,350 (Contract) as authorized by San Diego Resolution R-312062; and

WHEREAS, the Contract was for 925 working days with a Notice to Proceed (NTP) date of June 14, 2021; and

WHEREAS, the Morena Pump Station project includes, but is not limited to, the demolition of existing facilities at the proposed Morena Pump Station site as well as construction of a new 37.7 million gallons per day (MGD) Morena Wastewater Pump Station facility. The facility includes odor control systems; an electrical building; a screening facility; a high purity oxygen system; a maintenance building; 48-inch, 60-inch, and 66-inch diversion and overflow sewers; three diversion structures with slide gates; and one junction structure on Friars Road (Project); and

WHEREAS, the majority of the pump station support infrastructure is underground and below the water table, necessitating dewatering to lower the water table for construction; and

WHEREAS, the construction effort is experiencing dewatering flow rates greater than anticipated during the design and Contract bid phase; and

WHEREAS, the Contract specifications stated that the Contractor shall assume a dewatering system capacity of 860,000 gallons per day, however the actual flow rate has significantly exceeded that amount; and

WHEREAS, Contractor has performed modifications including upsizing of equipment to the dewatering system in attempts to increase the discharge flow rate and lower the water table, all of which have proven ineffective; and

WHEREAS, the excessive flow rate has resulted in a changed condition to the Contract that impacts the Project's schedule and the Contractor's ability to meet the overall Pure Water Program schedule; and

WHEREAS, delays to the Project can result in delays to the Pure Water Program schedule; and

WHEREAS, this action will authorize the Mayor, or his designee, to execute one or more construction change orders to the Contract for a total amount not to exceed \$20,000,000 to cover the additional costs necessary to address the unforeseen conditions that were encountered during construction; and

WHEREAS, the additional funds will, among other things, cover backfilling existing excavation from elevation 0.00 Mean Sea Level (MSL) to elevation 10.00 MSL, removing the existing shoring system, installing of secant pile and jet grouting floor, re-excavating from elevation 0.00 MSL to elevation 10.00 MSL, removing of internal bracing, reshoring the hydro-modification tank at elevation -2.00 MSL; demolishing 140 linear feet of secant wall from

elevation 10.00 MSL to elevation -2.00 MSL for installation of the hydro-modification tank, and removing the dewatering system, as well as the Contractor's and subcontractors' time-related overhead costs due to impacts to critical path; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Mayor or his designee is authorized to execute one or more change orders to the Contract as necessary to cover the additional costs associated with the dewatering changed condition for a total amount not to exceed \$20,000,000.

2. The Chief Financial Officer is authorized to expend an additional amount not to exceed \$20,000,000 from CIP ALA00001 Pure Water Phase 1 (B-21061, PWP Morena Wastewater Pump Station), Fund 700009, Metro Sewer CIP, for one or more change orders for the construction of the Morena Pump Station, contingent upon the Chief Financial Officer 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/ Adam R. Wander
Adam R. Wander
Deputy City Attorney

ARW:cw
7/25/2022
8/3/2022 COR. COPY
Or. Dept: E&CP
CC No.: N/A
Doc. No.: 3041664

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 01 2022.

ELIZABETH S. MALAND
City Clerk

By Cennie Patterson
Deputy City Clerk
for Matthew Hilario

Approved: 8/8/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on AUG 01 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 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 AUG 09 2022.

(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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