

#101b
11/15/22

(R-2023-201)

RESOLUTION NUMBER R- **314440**

DATE OF FINAL PASSAGE **NOV 28 2022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO TO APPROVE THE FIFTH AMENDMENT TO
THE SOLE SOURCE AGREEMENT #4163 WITH ADS
CORPORATION FOR TEMPORARY WASTEWATER FLOW
MONITORING EQUIPMENT, SOFTWARE, AND SERVICES
AND RELATED ACTIONS.

WHEREAS, the City of San Diego (City) Public Utilities Department (PUD) manages
and operates the City's own Municipal wastewater collection and treatment system (Muni
System); and

WHEREAS, the City also manages and operates the wastewater collection and treatment
system for the Metropolitan area of southwestern San Diego County (Metro System), consisting
of 15 cities and districts (Participating Agencies), including the City of San Diego; and

WHEREAS, the Metro System collects and treats the wastewater generated by a regional
population of 2.3 million, producing over 147 million gallons of wastewater per day; and

WHEREAS, on June 23, 2020, PUD received approval for Sole Source request #4163 to
enter into an Agreement with ADS Corporation (ADS) for a six month term through
December 22, 2020, in an amount not to exceed \$744,401.58, to manage and operate the City's
wastewater collection and treatment system for the Metropolitan area of southwestern San Diego
County while staff worked on preparing an RFP for a longer term contract; and

WHEREAS, on November 19, 2021, a First Amendment to Sole Source #4163 was
approved to add an additional six months and increase the Agreement value to \$1,488,803.16 to
ensure the continuation of the critical and essential services by ADS to avoid substantial risks
identified in the original approved Sole Source; and

WHEREAS, on April 30, 2021, a Second Amendment to Sole Source #4163 was approved to extend the Agreement for an additional ninety days and increase the Agreement value to \$1,861,803.16 to ensure the continuation of critical and essential services by ADS; and

WHEREAS, on September 16, 2021, a Third Amendment to Sole Source #4163 was approved to extend the Agreement for an additional six months and increase the Agreement value to \$2,605,405.53 to continue these critical services; and

WHEREAS, on March 29, 2022, a Fourth Amendment to Sole Source #4163 was approved to extend the Agreement for an additional three months to June 22, 2022, and increase the Agreement value to \$2,977,606.32; and

WHEREAS, this Fifth Amendment to Sole Source #4163 requests Council approval to retroactively extend the Sole Source #4163 Agreement with ADS for an additional five months, from June 23, 2022 through November 22, 2022, and to increase the Agreement value by \$624,993.68, for a total not to exceed amount of \$3,602,600.00 to allow ADS to continue to provide sewer flow monitoring services, which includes equipment, installation, repair, and maintenance services that are used for revenue billing, sewer modeling and early warning alarms for sewer spill detections until a replacement contract becomes effective; 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. That the Mayor, or his designee, is authorized to execute the Fifth Amendment to the Agreement with ADS Corporation for Temporary Wastewater Flow Monitoring Equipment,

Software and Services, in an amount not to exceed \$624,993.68, for a cumulative Agreement total not to exceed \$3,602,600.00, under the terms and conditions as set forth in the Agreement on file in the Office of the City Clerk as Doc. No. RR- 314440.

2. That the Chief Financial Officer is authorized to expend funds in an amount not to exceed \$624,993.68, with an estimated amount of \$244,131.72, to be paid from Fund 700000, Muni Sewer Revenue, and an estimated amount of \$380,861.96 to be paid from Fund 700001, Metro Sewer Utility, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, 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/ Raymond C. Palmucci
Raymond C. Palmucci
Deputy City Attorney

RCP:cw
10/21/22
Or.Dept: PUD
CC No.: N/A
Doc. No.: 3106169

(R-2023-201)

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 15 2022.

ELIZABETH S. MALAND
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 11/21/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 15 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 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 28 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 Krystell Medina, Deputy

Office of the City Clerk, San Diego, California

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