

ORDINANCE NUMBER O- 26595 (NEW SERIES)DATE OF FINAL PASSAGE JAN 13 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING AN AMENDMENT TO THE
CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL
SERVICES, INC. RESULTING FROM REQUEST FOR
PROPOSAL NUMBER 10089323-18-K, SANITATION
SERVICES AND INCIDENTAL HAZARDOUS WASTE
REMOVAL ON PUBLIC RIGHTS-OF-WAY AND OTHER
CITY-OWNED PROPERTY; AND RELATED ACTIONS.

WHEREAS, the City of San Diego (City) issued Request for Proposal (RFP) Number 10089323-18-K, Sanitation Services and Incidental Hazardous Waste Removal on Public Rights-of-way and Other City-Owned Property, on or around February 12, 2018, and accepted the proposal submitted by Clean Harbors Environmental Services, Inc. (Contractor); and

WHEREAS, on April 9, 2018, the City entered into a contract with Contractor for a term of five (5) years to provide services as set forth in RFP No. 10089323-18-K (Contract), for an amount not to exceed \$2,999,999; and

WHEREAS, on January 23, 2019, the City entered into a First Amendment with Contractor to amend the pricing pages to add a 16-gallon container for human waste disposal; and

WHEREAS, on December 1, 2021, the City and Contractor entered into a Second Amendment to increase total compensation under the Contract from \$2,999,999 to an amount not to exceed \$6,862,000; and

WHEREAS, the City and Contractor wish to extend the Contract through October 31, 2023, to allow for uninterrupted services while an RFP process for a replacement contract is underway; and

WHEREAS, under Charter section 99, no contract, agreement, or obligation extending for a period of more than five (5) 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, for and on behalf of the City, the Third Amendment to the Contract Between the City and Clean Harbors Environmental Services, Inc. for Sanitation Services and Incidental Hazardous Waste Removal on Public Rights-of-way and other City-Owned Property, under the terms and conditions set forth in the Third Amendment to the Contract, on file in the office of the City Clerk as Document No. OO- 21595, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year and 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.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to Council and the public prior to the day of its passage.

Section 3. 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/ Nicole M. Denow
Nicole M. Denow
Deputy City Attorney

NMD:jdf
11/28/2022
12/08/2022 COR COPY
Or.Dept: ESD
Doc. No.: 3151961_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 10 2023

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 1/13/23
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA Mayor

Passed by the Council of The City of San Diego on JAN 10 2023, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Kent Lee	<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 JAN 13 2023.

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

DEC 12 2022

, and on JAN 13 2023.

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- 24535