

ORDINANCE NUMBER O- 21136 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 13 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO THE CONTRACT RESULTING FROM ITB NO. 10058074-16-L FOR DISPOSAL SITES FOR EXCAVATED MATERIAL IN ANY COMBINATION BETWEEN THE CITY OF SAN DIEGO AND VULCAN MATERIALS COMPANY AND RELATED ACTIONS.

WHEREAS, the City of San Diego (City) Public Utilities, Transportation, and Storm Water Departments excavate and dispose of approximately 45,000 tons of spoil that contains any combination of wet soil, rock, dirt, adobe clay, wet adobe clay, concrete with rebar, asphalt, and asphalt with petromat; and

WHEREAS, on June 18, 2015, the City issued an Invitation to Bid (ITB No. 10058074-16-L) to procure a contractor for services to be provided to the City for the disposal of excavated material in any combination, in accordance with the specifications of the ITB, and the City determined that Vulcan Materials Company (Vulcan) had the expertise, experience, and personnel necessary to provide the specified services, and the contract went into effect on June 26, 2016, expiring on June 25, 2021 (Contract); and

WHEREAS, a new contract with Vulcan for the same services went into effect on August 15, 2022 (ITB 10089840-22-L), but in between the effective dates of these two contracts, services were rendered, and invoices were received by the City for this necessary service. The First Amendment to the Contract allows for the retroactive approval to process these invoices; and

WHEREAS, even after the Contract expired, the Parties continued to act as if the Contract was in effect, and Vulcan continued to provide services to the City ensuring safe and environmentally friendly handling and disposal; and

WHEREAS, this action is to request authorization to execute the First Amendment to the Contract to extend the Term of the Contract from June 25, 2021 to August 14, 2022 and to increase the contract not to exceed amount by \$1,157,000 from \$9,462,928 to \$10,619,928, in order to clarify the terms and conditions under which the services were provided during that time, and to allow the City to pay the invoices for the services provided during that period; 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 the First Amendment to the five year Agreement with Vulcan Materials Company (ITB 10058074-16-L), for the disposal of excavated material to be retroactively effective from June 25, 2021 to August 14, 2022, for the additional amount of \$1,157,000, bringing the total not to exceed amount to \$10,619,928.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$1,157,000, in total, as retroactive payment for services provided from June 25, 2021 through August 14, 2022, estimated to be funded as follows: \$400,000 from Fund 700011, Water Utility Operating, \$375,000 from Fund 700000, Muni Sewer Revenue, \$20,000 from Fund 100000, General Fund Stormwater, and \$362,000 from Fund 100000, General Fund Transportation, for the purpose of funding the services agreement with Vulcan Materials Company.

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/ Raymond C. Palmucci
Raymond C. Palmucci
Deputy City Attorney

RCP:mt:cw
11/15/22
Or.Dept: Public Utilities Department
CC No.: 3000015178
Doc. No.: 3143797

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

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. 3000015178
2009

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	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: \$1,157,000.00

Vendor: Vulcan Materials Company

Purpose: Authorization to award a contract with Vulcan Materials Company (Bid# 10058074-16-L) to provide a disposal site for excavated materials

Date: October 17, 2022 By: Jessica Tran
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	700011			OTHR-00000000-WU	512157	2000	2000211112		\$400,000.00
2	700000			OTHR-00000000-SU	512157	2000	2000181401		\$375,000.00
3	100000			OTHR-00000000-TR	512157	2116	2116110013		\$362,000.00
4	100000			OTHR-00000000-SH	512157	2114	2114110016		\$20,000.00
TOTAL AMOUNT									\$1,157,000.00

Jt
EW
DM

JAN 10 2023

Passed by the Council of The City of San Diego on _____, 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:



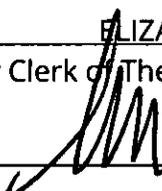
(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By  Deputy

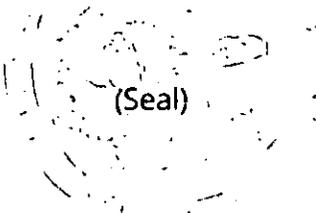
I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 06 2022

and on

JAN 13 2023

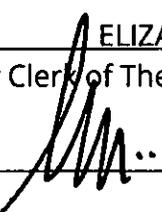
I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.



(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By  Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21596