

ORDINANCE NUMBER O- 21609 (NEW SERIES)DATE OF FINAL PASSAGE JAN 30 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO THE AGREEMENT WITH DNV GL NOBLE DENTON USA, LLC, TO PROVIDE SOFTWARE MAINTENANCE SUPPORT AND WATER MODELING PROFESSIONAL CONSULTING SERVICES, AND RELATED ACTIONS.

WHEREAS, the City of San Diego's (City) existing water infrastructure consists of approximately 3,200 miles of transmission and distribution pipelines, three water treatment plants, nine untreated water storage reservoirs, 29 treated water distribution reservoirs and standpipes, and 48 pump stations; and

WHEREAS, the Public Utilities Department (PUD) with the support of the City's Information and Technology Department built a computer model of the City water system (Water Model) to help with long term master planning studies and short-term water operations technical support; and

WHEREAS, the Water Model interfaces with the City's geographic information system , customer care solution and supervisory control and data acquisition system providing detailed hydraulic and geographic information to help City engineers and the PUD water system operators with planning and operational support; and

WHEREAS, on October 31, 2016, the City's Director of Purchasing & Contracting certified Sole Source request No. 3795 for a services agreement with Del Norske Verita Germanischer Lloyd, a Texas corporation (Contractor) to provide Synergi licenses and modules, water model calibration studies, surge studies, real-time modeling enhancements with data publishing and hydraulic analysis, and master planning model support for the City's PUD; and

WHEREAS, San Diego Resolution R-311246 (July 25, 2017), approved City and Contractor to enter into Contract No. 4600002942, which is a five-year services agreement with Contractor with an effective date of August 3, 2017 and an expiration date of August 2, 2022 (Agreement), for software maintenance support and water modeling professional consulting services, specialized technical support in water model calibration, water model system status enhancements, on-line water quality analysis, and pump station energy calculations (Water Modeling Services); and

WHEREAS, on October 26, 2018, Contractor converted and renamed Contractor to DNV GL Noble Denton, USA, LLC, a Texas limited liability company, which is now the legal name of Contractor; and

WHEREAS, on May 3, 2022, the City's Director of Purchasing and Contracting certified a modification of Sole Source No. 3795, requesting a two-year extension of the Agreement from August 3, 2022 until August 2, 2024, to allow PUD to continue critical engineering and operational use of the Water Model for an additional two year period, while the City is in the process of an open competitive Request for Proposal (RFP) for a new contract for Water Modeling Services; and

WHEREAS, the Parties wish to amend the Agreement according to the terms of this First Amendment to include Exhibit A-1, the revised Scope of Work, to include Exhibit B-2, City of San Diego General Contract Terms and Provisions (Revised January 2020), to increase the Amount of Compensation in an amount not to exceed \$743,385.82, and to extend the Term for two years, retroactively from August 3, 2022, until completion of the Scope of Work in Exhibits A and A-1, or until August 2, 2024, whichever is earliest; 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; 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; 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 the First Amendment to the Agreement with Contractor, for Water Modeling Software Licensing and Software Support Services, in an additional amount not to exceed \$743,385.82, bringing the total not to exceed amount of the Agreement to \$2,493,385.82, and to extend the Agreement term to August 2, 2024, which once signed by all Parties will be on file with the City Clerk as Document No. 00-21609

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$743,385.82 from Fund 700011, Water Utility Operating Fund, for the purpose of executing the First Amendment, 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.

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.

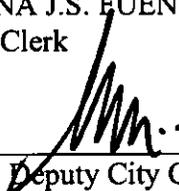
APPROVED: MARA W. ELLIOTT, City Attorney

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

RCP:amc:cw
11/14/22
1/18/23 COR. COPY
Or.Dept: PUD
CC#: 3000015118
Doc. No.: 3143515

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of JAN 24 2023.

DIANA J.S. EUENTES
City Clerk

By 
Deputy City Clerk

Approved: 1/30/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. 3000015118
NO. 2000

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: \$371,672.91

Vendor: DNV GL Noble Denton USA, LLC

Purpose: First Amendment to the Agreement with DNV GL Noble Denton USA, LLC for Water Modeling Software Licensing and Software Support Services

Date: September 21, 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	513006	2000	2000151313		\$371,672.91
TOTAL AMOUNT									\$371,672.91

FUND OVERRIDE
3000015118

Passed by the Council of The City of San Diego on JAN 24 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 30 2023

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J. S. FUENTES

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

JAN 10 2023

and on JAN 30 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)

DIANA J. S. FUENTES

City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21609