

ORDINANCE NUMBER O- 21732 (NEW SERIES)DATE OF FINAL PASSAGE OCT 13 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING AN EXTENSION OF THE  
OBLIGATIONS OF CONTRACT K-23-2030 DBB-3 WITH  
DICK MILLER, INC. FOR MAPLE CANYON RESTORATION  
- PHASES 1 AND 2 FOR UP TO AN ADDITIONAL FORTY  
MONTHS, AND RELATED ACTIONS.

WHEREAS, the City of San Diego (City) advertised contract K-23-2030-DBB-3, Maple Canyon Restoration – Phases 1 & 2 (Contract) and Dick Miller, Inc., was identified as the lowest responsive and responsible bidder; and

WHEREAS, the Contract was originally advertised as a phase-funded agreement, with each phase requiring that the Contractor enter into a Long-Term Maintenance and Monitoring Agreement (LTMMA) for habitat revegetation and restoration, with the LTMMA associated with Phase 1 being 25-months in duration (25-month LTMMA), and the LTMMA associated with Phase 2 being 60-months in duration (60-month LTMMA); and

WHEREAS, prior to awarding the Contract, it was determined that sufficient funding was available for both phases of the Contract; and

WHEREAS, on March 24, 2023, the City entered into the Contract with Dick Miller, Inc. for an amount not to exceed \$9,765,552.60, which includes both construction phases and the 25-month LTMMA for habitat revegetation associated with the work advertised as Phase 1 of construction, all of which is anticipated to be complete in 54 months; and

WHEREAS, the work required by the 60-month LTMMA could not be commenced immediately upon the effective date of the Contract, and is not anticipated to be completed within five years of the effective date of the Contract; and

WHEREAS, the Contract provides the City the option to enter into the 60-month LTMMA for habitat restoration associated with the work advertised as Phase 2 of construction, but only if the City Council authorizes the extension of the Contract obligations beyond 60-months; and

WHEREAS, City staff recommends approval of the extension of the Contract's obligations for an additional 40 months for a total of 94 months, which staff anticipates will provide sufficient time for all of the work under the Contract to be completed, including the work required by the 60-month LTMMA; and

WHEREAS, if City Council approves this item, the Contract amount will be increased by \$315,000 to \$10,080,552.60, which was the total amount bid by Dick Miller, Inc. for the entirety of the advertised Contract, including the 60-month LTMMA; and

WHEREAS, the extension would not incur any new fiscal obligations as the \$10,080,552.60 was previously encumbered for this Contract on February 21, 2023; 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:

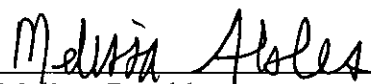
Section 1. The obligations of Contract K-23-2030 DBB-3, Maple Canyon Restoration – Phases 1 & 2 with Dick Miller Inc. may be extended for an additional 40 months, for a total term of 94 months, to complete all work required by the Contract, including the work required by the 60-month LTMMA.

Section 2. The Mayor, or designee, is authorized to sign and deliver the 60-month LTMMA.

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.

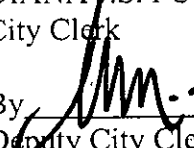
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Melissa D. Ables  
Chief Deputy City Attorney

MDA:cw  
8/28/2023  
9/22/23 COR. COPY  
Or.Dept: Engineering & Capital Projects  
CC No.: N/A  
Doc. No.: 3398419\_2

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

DIANA I.S. FUENTES  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: 10/13/23  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 OCT 13 2023.

AUTHENTICATED BY:

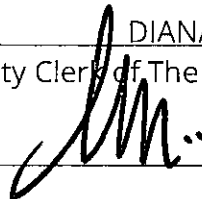
(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By , 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

SEP 26 2023

, and on OCT 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)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **21732**