

RESOLUTION NUMBER R- 314923

DATE OF FINAL PASSAGE MAY 26 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A CONSTRUCTION CONTRACT WITH J.R. FILANC CONSTRUCTION COMPANY, INC. FOR THE PURE WATER PROGRAM CENTRAL AREA SMALL-SCALE FACILITY IN AN AMOUNT NOT TO EXCEED \$44,200,000 AND RELATED ACTIONS.

WHEREAS, Pure Water Phase 2 will deliver 53 million gallons per day (mgd) of purified water to either Murray Reservoir or San Vicente Reservoir; and

WHEREAS, the Pure Water Phase 2 Central Area Small-Scale Facility will run wastewater through two parallel treatment trains modeling the Murray and San Vicente treatment options and will consist of water reclamation plant processes and advanced water purification process trains to demonstrate compliance with recycled water objectives, and determine parameters for full-scale design of the Pure Water Phase 2 facilities (Project); and

WHEREAS, on November 1, 2021 City Council adopted Resolution Number R-313764, approving Capital Improvement Program Budget for Pure Water Phase 1 and Pure Water Phase 2 and authorizing execution of construction contracts to the lowest responsible and reliable bidders for Pure Water Phase 2; and

WHEREAS, the City opened the bids Project on January 12, 2023 and J.R. Filanc Construction Company, Inc. was the lowest responsible bidder; however, the bid amount plus the 15% contingency exceed the \$40,000,000 that was authorized by Council for the Project ; and

WHEREAS, in order to ensure that sufficient funds are available for the Project, it is necessary to transfer \$10,200,000 previously appropriated to other CIP funds to the Pure Water Program Phase 2 fund; 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 City Council of the City of San Diego, as follows:

1. The construction contract with J.R. Filanc Construction Company, Inc. for the Pure Water Program Central Area Small-Scale Facility (K-23-2119-DBB-3-C) in amount not to exceed \$44,200,000 that, once signed by all parties and approved by the City Attorney, will be on file with the City Clerk as Document No. RR-314923, is approved.

2. The Mayor is authorized to sign and deliver the construction contract.

3. The Chief Financial Officer is authorized to transfer \$6,324,000 from CIP A-KB.00003, Water Main Replacements, Fund 700010, Water Utility CIP and \$3,876,000 from CIP A-LA.00001, Pure Water Program, Fund 700009, Metro Sewer CIP, to CIP A-LA.00002, Pure Water Program Phase 2.

4. The Chief Financial Officer is authorized to expend funds in an amount not to exceed \$44,200,000 from CIP A-LA.00002, Pure Water Program Phase 2, PWP Central Area Small-Scale Facility (B-21151), of which \$16,796,000 is from Fund 700009, Metro Sewer CIP, and \$27,404,000 from Fund 700010, Water Utility CIP, contingent upon 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.

APPROVED: MARA W. ELLIOTT, City Attorney

By Elizabeth Anne Cason
Elizabeth Anne Cason
Deputy City Attorney

EAC:hm
April 28, 2023
Or.Dept: PUD
CC No. 3000015689
Doc. No. 3290329

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 23 2023.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 5/26/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000015689
DEPT. NO.: 2013

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: _____

Purpose: _____

Date: _____ By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	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: \$10,200,000.00

Vendor: J.R. Filanc Construction Company, Inc.

Purpose: To authorize the expenditure of funds not to exceed \$10,200,000.00 to J.R. Filanc Construction Company, Inc. for Pure Water Phase II Central Area Small-Scale Facility (K-23-2119-DBB-3-C) project.

Date: April 7, 2023 By: Sonny Bautista *Sonny Bautista*

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	AKB00003	700010	NOT_RELEVANT_GRANT	512117	OTHR-00000000-PR	2013	2013150012	A-KB.00003	\$6,324,000.00
2	ALA00001	700009	NOT_RELEVANT_GRANT	512117	OTHR-00000000-PR	2000	2000170001	A-LA.00001	\$3,876,000.00
TOTAL AMOUNT									\$10,200,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000015689

Passed by the Council of The City of San Diego on MAY 23 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 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 MAY 26 2023.

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314923