

RESOLUTION NUMBER R- 315104
DATE OF FINAL PASSAGE SEP 18 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE CONTRACT BETWEEN THE
CITY OF SAN DIEGO AND ORION CONSTRUCTION
CORPORATION FOR THE EL CAPITAN DAM SPILLWAY
NEAR TERM REPAIR PROJECT (BID NO. K-23-2126-DBB-3)
AND RELATED ACTIONS.

WHEREAS, El Capitan Dam is a 237-foot high embankment dam constructed from 1932 to 1934 across the San Diego River approximately seven miles east of Lakeside, California; and

WHEREAS, the dam and reservoir are owned and operated by the City of San Diego for water supply purposes; and

WHEREAS, El Capitan Dam is under the jurisdiction of California Department of Water Resources, Division of Safety of Dams (DSOD), and has a downstream hazard classification of “extremely high;” and

WHEREAS, City completed a comprehensive condition assessment of the spillway at El Capitan Dam on January 21, 2019, in accordance with DSOD requirements, which identified certain deficiencies that need to be addressed; and

WHEREAS, after DSOD reviewed and accepted the recommendations in the comprehensive condition assessment report, the City developed a near term maintenance repair plan to address the spillway deficiencies and to reduce impacts on spillway safety and performance; and

WHEREAS, the El Capitan Dam Spillway Near-Term Repair project was advertised on March 14, 2023, with bid number K-23-2126-DBB-3, and Orion Construction was identified as the apparent low bidder with a base bid of \$4,872,000; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified 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:

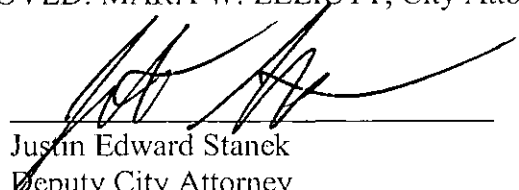
1. The contract for construction services (K-23-2126-DBB-3) with Orion Construction Corporation in an amount not to exceed \$4,872,000 for the purpose of completing the El Capitan Dam Spillway Near-Term Repair project (Contract), which once signed will be on file with the City Clerk as Document No. RR-315104, is approved.

2. The Mayor or designee is authorized to sign and deliver the Contract.

3. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$4,872,000 from fund 700011, Water Utility Operating Fund, for the purposes of fulfilling the Contract, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Justin Edward Stanek
Deputy City Attorney

JES:jdf
08/25/2023
Or.Dept: PUD
CC No. 3000015980
Doc. No. 3397225

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 12 2023.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 9/15/23
(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.

3000015980

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: \$4,872,000.00

Vendor: Orion Construction Corporation

Purpose: Award Construction Contract to Orion Construction Corporation for the El Capitan Dam Spillway Near Term Repair Project (Bid No. K-23-2126-DBB-3)

Date: July 11, 2023

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		11004710	OTHR-00000000-WU	512025	2000	2000201220		\$4,872,000.00
TOTAL AMOUNT									\$4,872,000.00

FUND OVERRIDE ☐

3000015980

Passed by the Council of The City of San Diego on SEP 12 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SEP 18 2023

Date of final passage _____.

(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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **315104**