

#57
4/9/24
(O-2024-79)

21789

ORDINANCE NUMBER O- _____

DATE OF FINAL PASSAGE APR 22 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A THIRD AMENDMENT TO THE AGREEMENT WITH NASLAND ENGINEERING FOR PROFESSIONAL SERVICES FOR DESIGN OF THE COASTAL RAIL TRAIL PROJECT (CONTRACT NO. H105180) AND RELATED ACTIONS.

WHEREAS, in May 2012, the City awarded a consultant agreement (No. H105180) to Nasland Engineering in the amount of \$525,960 to provide professional design services for the Coastal Rail Trail Project (Project), which is on file in the Office of the City Clerk as Document No. RR-307425 (Agreement); and

WHEREAS, in August 2016, the City executed the first amendment to the Agreement to increase the not to exceed amount by \$749,545 for additional services related to the preparation of environmental documents and plans, specifications, and estimates. This amendment also extended the Agreement to February 28, 2020; and

WHEREAS, on March 5, 2020, the City executed the second amendment to the Agreement to increase the not to exceed amount by \$269,460 to assist the City with construction contract bidding support services during the advertisement and award of the construction contract, as well as providing construction support services during the Project's construction phase. The second amendment also extended the duration of the Agreement until June 30, 2024; and

WHEREAS, additional services are required as a result of extended delays associated with securing the necessary property rights for the Project improvements, including updating the plans to current design standards, finalizing the plans, specifications and estimates, and providing survey services during construction; and

WHEREAS, the proposed third amendment will increase the not to exceed amount of the Agreement by \$407,490 for a total not to exceed amount of \$1,952,455, extend the contract expiration an additional 48 months to June 30, 2028, and modify the scope of work as more fully set forth in the proposed third amendment which is included in the staff materials accompanying this ordinance (Third Amendment); 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 Third Amendment increasing the not to exceed amount of the Agreement to \$1,952,455, adding additional services to be performed for the remainder of the term, and extending the agreement an additional 48 months, which once signed by all parties and approved as to form, will be on file in the Office of the City Clerk as Document No. OO-

21789
_____, is approved.

Section 2. The Mayor, or his designee, is authorized to sign and deliver the Third Amendment.


Section 3. The Chief Financial Officer is authorized to expend an amount not to exceed \$407,490 from CIP S-00951, Coastal Rail Trail, Fund 400169, Transnet Extension 70% CAP, for the purpose of executing the Third Amendment, 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.

Section 4. 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 5. 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  _____
Ryan P. Gerrity
Deputy City Attorney

RPG:cw
February 21, 2024
Or.Dept: Engineering & Capital Projects Dept.
CC No.: 3000016430
Doc. No.: 3570091

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 09 2024.

DIANA J.S. FUENTES
City Clerk

By  _____
Krystle Medina
Deputy City Clerk

Approved: 4/22/24
(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000016430
 DEPT. NO.: 2116

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									\$0.00

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: \$407,490.00

Vendor: Nasland Engineering

Purpose: To authorize the expenditure of funds not to exceed \$407,490.00 to Nasland Engineering for 3rd Amendment for engineering services for the Coastal Rail Trail Project.

Date: January 19, 2024 By: Francisco Lopez
 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
1	S00951	400169	Not_Relevant_Grant	512034	OTHR-00000000-TR	2113	2113120013	S-00951.02.02	\$407,490.00
TOTAL AMOUNT									\$407,490.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on APR 09 2024, 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"/>
Henry L. Foster III	<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 APR 22 2024

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

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

MAR 12 2024, and on APR 22 2024.

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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21789</u>