

ORDINANCE NUMBER O- 21793 (NEW SERIES)

DATE OF FINAL PASSAGE APR 22 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A FOURTH AMENDMENT TO THE AGREEMENT (H115417) WITH LEE AND RO INC. FOR THE PUMP STATION 2 POWER RELIABILITY & SURGE PROTECTION PROJECT AND TAKING RELATED ACTIONS.

WHEREAS, on May 30, 2012, the Council of the City of San Diego (City Council) passed Resolution No. R-307458, authorizing the award of an agreement (H115417) to Lee and Ro, Inc., in the amount of \$1,750,000 for professional design and construction support services (Agreement) for the Pump Station 2 Power Reliability & Surge Protection project (Project); and

WHEREAS, the purpose of the Project is to meet current EPA guidelines requiring the station to be equipped with independent backup power sources through installation of on-site backup power generators; and

WHEREAS, the backup power generators will also provide surge protection to prevent a water hammer effect that could damage the force main pipes during a power outage event; and

WHEREAS, the Project scope consists of constructing four new large emergency power backup generators, a new power generator building, replacement of the two pumps driven by natural gas engines, instrumentation, and control systems; and

WHEREAS, on May 5, 2015, the City Council passed Ordinance No. O-20477, authorizing a first amendment to the Agreement to extend the contract duration through April 2020 and to increase the not-to-exceed amount by \$350,000 for additional design scope changes; and

WHEREAS, on March 19, 2018, the City Council passed Ordinance No. O-20910, authorizing a second amendment to the Agreement to extend the contract duration through

August 2022 and to increase the not-to-exceed amount by \$2,250,000 for construction support services that were not part of the original agreement and first contract amendment; and

WHEREAS, on January 15, 2021, the City Council passed Ordinance No. O-21279, authorizing a third amendment to the Agreement to extend the contract duration through February 20, 2025, and to increase the not-to-exceed amount by \$975,000 to provide construction support services for that period; and

WHEREAS, due to challenges and delays during the commissioning of the four new generators, a fourth amendment to the Agreement is necessary to extend the Agreement through December 31, 2025, and increase the not-to-exceed amount by \$350,000; 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 of San Diego (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. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, a fourth amendment to the Agreement with Lee and Ro, Inc., under the terms and conditions set forth in the fourth amendment to the Agreement on file in the Office of the City Clerk as Document No. OO- 21793 (Fourth Amendment).

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$350,000 in CIP S-00312, PS2 Power Reliability & Surge Protection, Fund 700009, Metro Sewer CIP, for the purpose of executing this Fourth 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.

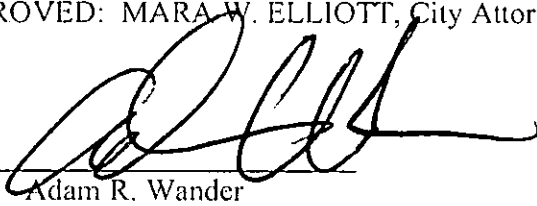
Section 3. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

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



Adam R. Wander  
Deputy City Attorney

ARW:cw  
02/17/2024  
Or. Dept: Engineering & Capital Projects  
CC No.: 3000016435  
Doc. No.: 3573911

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  
TODD GLORIA, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000016435  
 DEPT. NO. 2012

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: \$350,000.00

Vendor: Lee & Ro, Inc

Purpose: To authorize the expenditure of funds not to exceed \$350,000.00 to Lee & Ro, Inc for the Fourth Amendment to the Consultant Agreement (H1154.17) for Professional Design and Construction Support Services for the Pump Station 2 Power Reliability and Surge Protection project.

Date: January 22, 2024

By: DeJuan Lewis *DeJuan Lewis*  
 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	S00312	700009	NOT_RELEVANT_GRANT	512034	OTHR-0000000-PR	2012	201211212	S-00312.06.02	\$350,000.00
TOTAL AMOUNT									\$350,000.00

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- 21793