

#605

(O-2024-86)
COR.COPY

4/22/24

ORDINANCE NUMBER O- 21796

DATE OF FINAL PASSAGE APR 29 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING EXECUTION OF THE SIXTH
AMENDMENT TO THE AS-NEEDED CITYWIDE
COOPERATIVE CONTRACT WITH HERC RENTALS INC.
FOR THE RENTAL OF VARIOUS LARGE EQUIPMENT.

WHEREAS, On May 22, 2018, the City of Charlotte, North Carolina issued a Request for Proposal (RFP) No. 269-2018-047 for equipment rental; and

WHEREAS, on November 1, 2018, based on the results of the competitive bid process, the City of Charlotte awarded to Herc Rentals, Inc. (HERC) a contract for five years with two additional two-year options (Contract No. 2019000318); and

WHEREAS, On February 20, 2019, the City's Purchasing Agent certified in writing that the Contract meets the requirements set forth in San Diego Municipal Code section 22.3208 based on the following reasons: (1) The Contract is in the best interest of the City because it will ensure timely completion of construction projects by allowing City forces access to an extensive list of equipment options that are readily available; (2) The Contract was awarded using a process that complies with the Policies and Regulations as stipulated in the San Diego Municipal Code; and (3) The Contract is to the City's economic advantage because HERC has agreed to provide equipment rentals at Platinum-Level pricing, which is an average of a 40% discount from published retail pricing; and

WHEREAS, the City entered into a cooperative procurement contract with Herc on February 20, 2019 (Contract). Subsequently, five amendments to the Contract have been executed, incorporating yearly updated rental prices to the equipment identified in the Contract and increasing the total compensation; and

WHEREAS, the Contract has been continually used and the largest users of this contract include the Transportation Department, Storm Water Department, and Public Utilities Department which requires the rental of additional pumps, bull dozers, excavators, and rock trucks to complete an increasing number of cyclical channels clearing projects; and

WHEREAS, the City is requesting Council approve an ordinance to authorize an extension of the Contract, through a valid exercise of the first of two, two-year option renewal periods with Herc Rentals Inc., and to increase the expenditure authority for the rental of equipment from \$18,325,000 to an amount not to exceed \$32,325,000 retroactively effective November 1, 2023; and

WHEREAS, under San Diego 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. That the Mayor, or his designee, is authorized to execute, for and on behalf of said City, a Sixth Amendment to the As-Needed Citywide Cooperative Procurement Contract with Herc Rentals, Inc. to increase the not to exceed amount for the rental of various light to heavy equipment from \$18,325,000 to \$32,325,000, and to extend the existing Contract via the exercise of the first of two, two-year option renewal periods with Herc Rentals Inc., retroactively effective November 1, 2023, and in accordance with Charter Section 99, under the terms and


conditions set forth in the Sixth Amendment to the Agreement, on file in the Office of the City Clerk as Document No. OO- 21796

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$32,325,000 over the full term of the Contract, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City 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 
Mark M. Imada
Deputy City Attorney

MMI:hm
March 25, 2024
March 27, 2024 COR.COPY
Or.Dept: Purchasing and Contracting
Doc. No. 3582164_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 22 2024.

DIANA J.S. FUENTES
City Clerk

By Krystelle Medina for Connie Patterson
Deputy City Clerk

Approved: 4/26/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is April 29, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on APR 22 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input checked="" 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 29 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 Kristel Medina ^{for Connie Patterson}, 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 APR 09 2024, and on APR 29 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 Kristel Medina ^{for Connie Patterson}, Deputy

Office of the City Clerk, San Diego, California
21796
Ordinance Number O-_____