

# 609  
4/22/24

(O-2024-94)

ORDINANCE NUMBER O- 21803

DATE OF FINAL PASSAGE APR 29 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIFTH AMENDMENT TO THE AGREEMENT WITH BENTLEY SYSTEMS, INC. FOR COMPUTER AIDED DRAFTING DESIGN (CADD) APPLICATION SERVICES AND RELATED ACTIONS.

WHEREAS, on July 1, 2017, the City of San Diego entered into a five-year sole-source agreement with Bentley Systems, Incorporated (Bentley) for Computer Aided Drafting Design (CADD) application services (Agreement) which is utilized citywide in implementing the City's Capital Improvement Program (CIP); and

WHEREAS, Bentley Systems – MicroStation application tool is currently being used by various City Departments, including the Engineering & Capital Projects (E&CP) Department, to create detailed engineering plans and drawings for construction projects; and

WHEREAS, the enterprise license subscription, ProjectWise cloud environment, and related maintenance & support services are managed by E&CP and the costs are allocated based on the number of active licenses between E&CP, Transportation, Environmental Services, Storm Water, Sustainability and Mobility and the Public Utilities Departments; and

WHEREAS, E&CP has approximately 220 CADD users of its 675+ engineering position classifications that are dependent on the applications and workflows for planning, design, and construction of CIP projects.; and

WHEREAS, the City and Bentley have previously entered into four contract amendments to extend the duration and increase the not to exceed amount of the Agreement; and

WHEREAS, the City recently issued a Request for Proposal (RFP) for CADD Applications Services; and

WHEREAS, following the RFP process, the selection panel determined DLT Solutions is the most qualified vendor to provide future CADD services to the City. The City issued a Notice of Intent to Award to DLT Solutions and is routing a parallel request to City Council to approve the associated contract; and

WHEREAS, in order to successfully transition the CADD software to DLT Solutions, it is necessary to extend the current Agreement with Bentley for at least one year to convert all active and archived CADD files to the appropriate format to utilize DLT Solutions and to ensure that the City has access to uninterrupted CADD software services while the City transitions to DLT Support for the new long-term contract; and

WHEREAS, the City and Bentley have negotiated a Fifth Amendment to the Agreement to extend the term for one additional year to June 30, 2025, and to increase the not to exceed amount by \$1,107,594, bringing the total not to exceed amount of the Agreement to \$6,234,907 for anticipated as-needed software support (Fifth 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 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 Fifth Amendment to Bentley Systems, Incorporated for CADD Application Services increasing the not to exceed amount by \$1,107,594, bringing the total not to exceed amount of the Agreement to \$6,234,907 and extending the agreement an additional one

year to June 30, 2025, 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-21803, is approved.

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

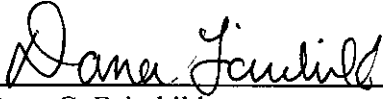
Section 3. That the Chief Financial Officer is authorized and appropriated to expend funds in an amount not to exceed \$1,107,594, which is anticipated to come from the following funds; \$20,151.88 from Fund No. 700000, Muni Sewer Revenue Fund; \$26,285.06 from Fund No. 700001, Metro Sewer Utility Fund; \$41,179.93 from Fund No. 700011, Water Utility Operating Fund; \$26,959.04 from Fund No. 700039, Refuse Disposal Enterprise Fund; \$744,743.39 from Fund No. 720057, Engineering & Capital Projects Fund; \$26,959.04 from Fund No. 100000, General Fund, Business Area 2114, Storm Water Department; \$3,369.87 from Fund No. 100000, General Fund, Business Area 1611, Sustainability and Mobility; and \$117,945.79 from Fund No. 100000, General Fund, Business Area 2116, Transportation Department, and an additional \$100,000 over one year for anticipated as-needed support, is authorized for the purpose of fulfilling the City's obligations under the Fifth Amendment to the Agreement, contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer furnishing one or more certificates that the funds are, or will be, on deposit with the City Treasurer.

Section 4. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 5. 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 6. 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  \_\_\_\_\_  
Dana C. Fairchild  
Deputy City Attorney

DCF:hm  
March 25, 2024  
Or.Dept: Engineering and Capital Projects Dept.  
CC No.: N/A  
Doc. No. 3582402

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 Krystell 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 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 type="checkbox"/>	<input checked="" 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 Krysteel 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 Krysteel Medina for Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21803