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64124
(O-2024-108)

ORDINANCE NUMBER O- 21814 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 11 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ISSUE ONE OR MORE CHANGE ORDERS EXTENDING THE OBLIGATIONS OF THE CONSTRUCTION CONTRACT WITH FLATIRON WEST, INC. (K-21-1807-DBB-3-A) FOR CONSTRUCTION OF THE MORENA PUMP STATION FOR AN ADDITIONAL EIGHTEEN MONTHS IN A TOTAL COMBINED AMOUNT NOT TO EXCEED \$6,500,000 AND RELATED ACTIONS.

WHEREAS, on April 28, 2021, the City of San Diego (City) entered into construction contract K-21-1807-DBB-3-A with Flatiron West, Inc. (Contractor) for construction of the Morena Pump Station for an amount not to exceed \$110,386,350 (Contract) as authorized by San Diego Resolution R-312062; and

WHEREAS, the Contract was for 925 working days with a Notice to Proceed (NTP) date of June 14, 2021; and

WHEREAS, the majority of the pump station support infrastructure is underground and below the water table, which required dewatering to lower the water table for construction; and

WHEREAS, during construction the dewatering flow rates were greater than anticipated during the design and Contract bid phase, and the excessive flow rate resulted in a changed condition to the Contract that impacted the Contract schedule and the Contractor's ability to meet the overall Pure Water Program schedule; and

WHEREAS, on August 9, 2022, the Council approved San Diego Resolution R-314277 authorizing construction change order(s) not to exceed \$20,000,000 to address the changed condition related to dewatering; and

WHEREAS, at the time of the approval of Resolution R-314277, Council was informed that the change orders for this condition may exceed the amount authorized because the impact to the Contractor's critical path schedule and inefficiencies to construction operations from the changed shoring method were not fully known; and

WHEREAS, staff now anticipate that additional construction change orders are needed to address additional costs in amount not to exceed \$6,500,000 stemming from the dewatering changed condition due to construction inefficiencies and associated Contractor time related overhead for schedule delays; and

WHEREAS, staff anticipates that the change order will also need to increase the number of working days because the work will not be completed until December, 2027, which will result in the Contract obligations extending beyond five years, by approximately 18 months; 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 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 obligations of the Contract are authorized to extend an additional eighteen months beyond June 2026 to December 2027, for the purposes of allowing Contractor to complete construction of the Morena Pump Station.

Section 2. The Mayor, or his designee, is authorized to execute one or more change orders to the Contract as necessary to cover the additional costs associated with the dewatering

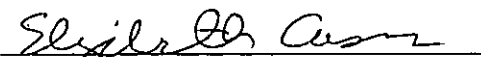
changed condition construction inefficiencies and associated Contractor TRO for a total amount not to exceed \$6,500,000 and adding additional working days as the Mayor or his designee determine necessary to allow the work to be completed no later than December 31, 2027.

Section 3. The Chief Financial Officer is authorized to expend an additional amount not to exceed \$6,500,000 from CIP A-LA.00001 Pure Water Phase I (B-21061, PWP Morena Wastewater Pump Station), Fund 700009, Metro Sewer CIP, for one or more change orders for the construction of Morena Pump Station, 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 
Elizabeth Cason
Lead Deputy City Attorney

EAC:hm
April 29, 2024
Or.Dept: Public Utilities Department
CC No.: N/A
Doc. No.: 3635163

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 04 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 6/11/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 04 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 type="checkbox"/>	<input checked="" 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 JUN 11 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 Krystell 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

MAY 14 2024, and on JUN 11 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 Krystell Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21814</u>