

ORDINANCE NUMBER O- 21820 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 1 1 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE THIRD AMENDMENT TO A CONTRACT WITH MARS COMPANY, TO CONTINUE TO PROVIDE SOFTWARE SUBSCRIPTION SERVICES, MAINTENANCE, AND SUPPORT FOR WATER METER TESTING AND RELATED ACTIONS.

WHEREAS, the City of San Diego Public Utilities Department (Department) owns and operates water meter assets for monitoring the usage of water by customers; and

WHEREAS, the City tests a sample of water meters prior to their installation and removal to verify the accuracy of data collection; and

WHEREAS, the City approved a contract with MARS Company (Contractor) to provide software subscription, maintenance, and customer support for meter testing (Contract), by Sole Source 4072, for a not to exceed amount of \$1,448,865; and

WHEREAS, the City authorized a First Amendment to the Contract on February 10, 2020, to increase the equipment and services along with increasing the total not to exceed amount to \$2,479,516; and

WHEREAS, the City authorized a Second Amendment to the Contract on August 23, 2023, increasing price to include prorated costs and an invoice transcription error with a new total not to exceed amount of \$2,509,423.86; and

WHEREAS, the testing of a sample of water meter assets prior to installation and after removal is essential to verifying accuracy in data collection; and

WHEREAS, Contractor is the only authorized vendor of meter testing software and support services as used in the City's water metering assets; and

WHEREAS, staff recommends extending the Contract for an additional five years, and increasing the not to exceed amount by \$3,200,000, with a new total not to exceed amount of \$5,709,423; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by affected third parties and verified by City Staff, with the understanding that this information is complete, true, and accurate; 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; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

1. The Third Amendment to the Contract, increasing the not to exceed amount of the Contract by \$3,200,000 for a new total not to exceed amount of \$5,709,423, and extending the term by five years, which, once signed by all parties, will be on file with the City Clerk as Document No. 00-21820, is approved.

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

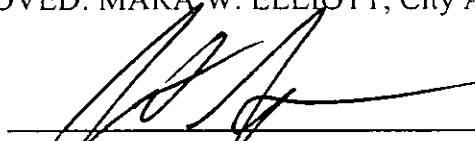
3. The Chief Financial Officer is authorized to expend an additional amount not to exceed \$3,200,000 from the Water Utility Operating Fund 700011 for the purposes of fulfilling the City's obligations under the Third Amendment starting in Fiscal Year 2025, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and 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.

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.

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


Justin Edward Stanek
Deputy City Attorney

JES:cm
April 25, 2024
May 15, 2024
Or.Dept: Public Utilities Department
Doc. No. 3633499_2

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 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 MAY 21 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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21820</u>