

ORDINANCE NUMBER O- 21828 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 0 2 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT (H176824) WITH BLACK AND VEATCH CORPORATION TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE PUMP STATION 2 POWER RELIABILITY & SURGE PROTECTION PROJECT AND TAKING RELATED ACTIONS.

WHEREAS, effective July 19, 2017, the City of San Diego (City) and Black and Veatch Corporation (Consultant) entered into agreement H176824 (Agreement) for Consultant to provide construction management services for the Pump Station 2 Power Reliability & Surge Protection project (Project) in an amount not to exceed \$3,749,869; 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, due to challenges during construction, the Council of the City of San Diego (City Council) passed Ordinance No. O-21278 on January 15, 2021, authorizing a first amendment to the Agreement, which extended the term of the Agreement through July 19, 2024, and increased the not-to-exceed amount of the Agreement by \$2,500,000 to allow Consultant to continue providing construction support services for the Project; and

WHEREAS, due to additional challenges on the Project, the City desires to now enter into a second amendment to the Agreement to extend the term of the Agreement through December 31, 2025, and increase the not-to-exceed amount of the Agreement by \$600,000; 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 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 Mayor, or his designee, is authorized to execute a second amendment to the Agreement with Black and Veatch Corporation for the purpose of providing construction management services in CIP S-00312, PS2 Power Reliability & Surge Protection, increasing the not to exceed amount of the Agreement by \$600,000 and extending the term of the Agreement through December 19, 2025, under the terms and conditions set forth in the Second Amendment to the Agreement on file in the Office of the City Clerk as Document No. OO- 21828 (Second Amendment).

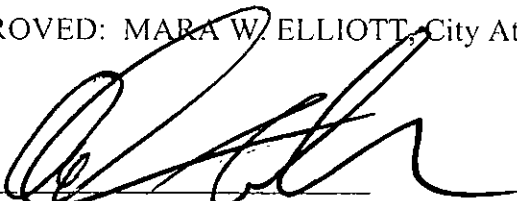
Section 2. The Chief Financial Officer is authorized to expend an amount not to exceed \$600,000 in CIP S-00312, PS2 Power Reliability & Surge Protection, Fund 700009, Metro Sewer CIP, for the purpose of executing this Second Amendment, contingent upon the Chief Financial Officer furnishing one or more 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
05/27/2024
Or.Dept: Engineering & Capital Projects
CC No.: 3000016758
Doc. No.: 3663997

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 25 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 7/1/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(NOTE: The date of final passage is July 2, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000016758
 DEPT. NO. 2112

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: \$600,000.00

Vendor: Black and Veatch Corporation

Purpose: To authorize the expenditure of funds not to exceed \$600,000.00 to Black and Veatch Corporation for the Second Amendment to agreement H176824 for the purpose of providing construction management services for the Pump Station 2 Power Reliability & Surge Protection project.

Date: May 13, 2024 By: Naiahd Askor *Naiahd Askor*
 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 | 512026 | O'THR-00000000-PR | 2012 | 2012111212 | S-00312.06.02 | \$600,000.00 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | \$600,000.00 |

Passed by the Council of The City of San Diego on JUN 25 2024, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|---------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Joe LaCava | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 JUL 02 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 _____, 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 JUN 11 2024, and on JUL 02 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- **21828**