

#63  
07/16/2024/

(O-2024-138)

ORDINANCE NUMBER O- 21839 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 22 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SECOND AMENDMENT TO THE SOLE SOURCE CONTRACT WITH AGILENT TECHNOLOGIES, INC. TO PROVIDE LABORATORY INSTRUMENTATION AND ASSOCIATED SOFTWARE PACKAGES FOR DATA ANALYSIS AND REPORTING AND RELATED ACTIONS.

WHEREAS, the Public Utilities Department (PUD) oversees drinking water production and distribution and wastewater collection and treatment within the San Diego region, and conducts detailed chemical and biological analyses to ensure compliance with state and federal regulations to optimize treatment processes and protect human and environmental health; and

WHEREAS, these tasks are highly technical and require advanced, state of the art analytical instruments which have been supplied by Agilent Technologies, Inc. (Agilent) for nearly two decades due to their robustness and reliability in completing complex laboratory analyses for permit compliance and laboratory accreditation standards, and staff have accumulated expertise on these complex instruments and proprietary software that ensures continued efficiency and cost-savings; and

WHEREAS, effective July 26, 2019, City executed a Sole Source Contract with Agilent in an amount not to exceed \$2,500,000 to provide laboratory instrumentation and associated software packages for data analysis and reporting, and the First Amendment was executed on November 12, 2019, revising the manufacturer's warranty for parts and equipment; and

WHEREAS, the City now desires to enter into a Second Amendment to the Sole Source Contract with Agilent (Second Amendment) to extend the Contract an additional five years, and increase the not to exceed amount by \$4,876,000, making the total not to exceed amount

\$7,376,000 for the Contract and both Amendments, to provide new and replacement laboratory instrumentation and associated maintenance services necessary to continue monitoring obligations required by regulatory permits; and

WHEREAS, on May 10, 2024, the Sole Source Request and Certification Forms for the Second Amendment were approved by the Director of Purchasing and Contracting in accordance with San Diego Municipal Code section 22.3016; and

WHEREAS, the Second Amendment will allow the City to replace instruments nearing the end of their lifespan, purchase new equipment, including one new instrument requested to fulfill Pure Water permit monitoring requirements for daily validation of pathogen removal from purified wastewater, meet continuing regulatory permit monitoring requirements, including testing for organic pollutants, pesticides, and contaminants of emerging concern, and include services for maintenance and repair to ensure ongoing optimal performance; 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, including information provided by affected third parties and verified 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 the Second Amendment to the Sole Source Contract with Agilent Technologies, Inc. (Second Amendment) to provide new and replacement laboratory instrumentation and associated services, extending the contract

term five years, increasing the not to exceed amount by \$4,876,000, under the terms and conditions set forth in the Second Amendment on file in the Office of the City Clerk as

Document No. OO- **21839**

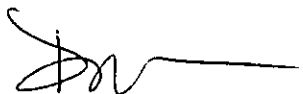
Section 2. The Chief Financial Officer is authorized to expend an amount not to exceed \$4,876,000 from the following: Fund 700011, Water Utility Operating; Fund 700001, Metro Sewer Utility; and Fund 700000, Muni Sewer Revenue, for the purpose of funding the Second Amendment, contingent upon adoption 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.

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   
\_\_\_\_\_  
Bonny Hsu  
Deputy City Attorney

BH:cw  
June 20, 2024  
Or.Dept: Public Utilities Department  
CC No.: 3000016791  
Doc. No. 3693140

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 16 2024.

DIANA J.S. FUENTES  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 7/19/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

(Note: The date of final passage is July 22, 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 DEPT. NO.: 3000016791  
2000

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: \$1,001,017.38

Vendor: Agilent Technologies, Inc.

Purpose: Second Amendment to the Sole Source Contract with Agilent Technologies, Inc. to Provide Laboratory Instrumentation and Associated Software Packages for Data Analysis and Reporting

Date: May 22, 2024 By: Jessica Tran and Elizabeth Warnock *JW*

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	IO or WBS Element	Original Amount
1	Non-Program	700000		560040	OTHR-00000000-SU	2000	2000161611		\$36,353.94
2	Non-Program	700001		560040	OTHR-00000000-SU	2000	2000161611		\$569,545.04
3	Non-Program	700001		560040	OTHR-00000000-SU	2000	2000162211		\$104,350.03
4	Non-Program	700011		560040	OTHR-00000000-WU	2000	2000162211		\$170,255.31
5	Non-Program	700011		512059	OTHR-00000000-WU	2000	2000161711		\$52,513.80
6	Non-Program	700000		512059	OTHR-00000000-SU	2000	2000161611		\$3,224.69
7	Non-Program	700001		512059	OTHR-00000000-SU	2000	2000161611		\$50,520.07
8	Non-Program	700001		512059	OTHR-00000000-SU	2000	2000162211		\$5,416.71
9	Non-Program	700011		512059	OTHR-00000000-WU	2000	2000162211		\$8,837.79
TOTAL AMOUNT									\$1,001,017.38

FUND OVERRIDE

Passed by the Council of The City of San Diego on JUL 16 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 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 22 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 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 JUL 02 2024, and on JUL 22 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- **21839**