

#58
09/10/2024

(O-2025-13)

ORDINANCE NUMBER O- 21865 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 17 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO CONTRACT RESULTING FROM REQUEST FOR PROPOSAL (RFP) 10089600-20-G WITH CALIFORNIA COMMERCIAL POOLS, INC. FOR SWIMMING POOL PLASTERING AND DECK WORK.

WHEREAS, the Parks and Recreation Department (P&R) serves over 200,000 people on an annual basis by providing aquatic activities and services for youth, adults, seniors, and individuals with disabilities at 15 City pool facilities (City Pools); and

WHEREAS, P&R is responsible for programming, maintenance, and operations of the City Pools with a total of 22 bodies of water including various amenities such as splash pads, diving boards, children's play structures, water features, and water slides; and

WHEREAS, the City Pools are located in all City Council districts; and

WHEREAS, the City Pools vary in size, shape, and depth with most pools measuring approximately 25 yards long by 25 meters wide, or larger, and depths ranging from zero to 12 feet deep; and

WHEREAS, the Ned Baumer Aquatics Center is under a joint use agreement with San Diego Miramar College and the Standley Aquatic Center is under a joint use agreement with the San Diego Unified School District; and

WHEREAS, on July 15, 2020, Request for Proposal (RFP) for Swimming Pool Plastering and Deck Work, Solicitation Number 10089600-20-G, was issued by the Purchasing and Contracting Department (P&C) for a successful proposer to perform the pool plastering and deck work maintenance on the City Pools; and

WHEREAS, P&C received one proposal from California Commercial Pools, Inc. (CAL

Pools); and

WHEREAS, CAL Pools was selected as the best provider for pool plastering and deck work maintenance services based on the evaluation criteria; and

WHEREAS, on November 16, 2020, the Contract Resulting from Request for Proposal Number 10089600-20-G (Contract) was awarded to CAL Pools for a five-year term with a not-to-exceed compensation amount of \$3,000,000; and

WHEREAS, CAL Pools plastered four pool sites, replaced decking at three pool sites, and replaced tile at two pool sites with a total cost of \$2,648,215; and

WHEREAS, additional funding and time to complete the work in the Contract is necessary because of the following: (1) the rate of work occurs more often than originally expected and the Contract capacity was used at a greater rate than originally anticipated; (2) P&R identified additional work needed due to health and safety concerns with the condition of several City Pools; (3) unanticipated work at newer City Pools; (4) work under the Contract was delayed for one year after award because of COVID-19, which also led to supply chain issues for the work; (5) the number of City Pools needing the work; and (6) completion of the work necessary as soon as possible for health and safety purposes and to comply with the City's maintenance obligations under the two joint use agreements does not provide time to complete the process for issuance of a new request for proposals; and

WHEREAS, this proposed first amendment to the Contract will allow P&R to address necessary maintenance work at the following seven City Pools: Tierrasanta, Carmel Mountain, Clairemont, Martin Luther King, Jr., Swanson, Vista Terrace, and Kearny Mesa; and

WHEREAS, CAL Pools has the capability to complete multiple City Pools concurrently and has committed to completing all seven City Pools by November 15, 2027, the proposed new

expiration date of the Contract; and

WHEREAS, costs incurred by the City for work performed at the Clairemont and Martin Luther King, Jr. City Pools will be reimbursed by the State of California Department of Parks and Recreation (State Parks) through the Local Assistance Specified Grant Program awarded to the City and authorized by San Diego Resolution R-315358 (Feb. 14, 2024); and

WHEREAS, to complete the pool plastering and deck work at all City Pools identified in the Contract, P&R negotiated a first amendment to the Contract to increase the compensation by \$9,000,000 for a total compensation in an amount not to exceed \$12,000,000, and to extend the Contract duration for two additional years through November 15, 2027; and

WHEREAS, Exhibit D, Wage Requirements, was inadvertently omitted from the Contract when executed by the Parties. CAL Pools has complied with the wage requirements applicable to the Contract since November 16, 2020; and

WHEREAS, the proposed first amendment to the Contract includes Exhibit D, Wage Requirements; and

WHEREAS, under San Diego Charter section 99, a supermajority vote of the City Council is required for passage of this ordinance; 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. That the Mayor, or designee, is authorized to execute the First Amendment to Contract Resulting from Request for Proposal (RFP) 10089600-20-G, Pool

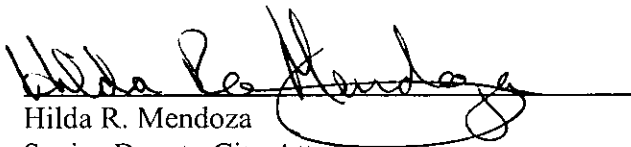
Plastering and Deck Work (First Amendment) with California Commercial Pools, Inc., to increase the not to exceed amount by \$9,000,000, for a total compensation amount not to exceed \$12,000,000, extending the Contract duration for two additional years through November 15, 2027, and including Exhibit D, Wage Requirements, on file in the Office of the City Clerk as Document No. OO- 21865.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$9,000,000, for the purposes of funding the First Amendment, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. 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 4. 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 
Hilda R. Mendoza
Senior Deputy City Attorney

HRM:nja
04/24/2024
Or. Dept: Park & Rec.
Doc. No. 3632032

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 10 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 9/17/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 10 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 SEP 17 2024.

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy
For Connie Patterson

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 30 2024, and on SEP 17 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 Linda Irwin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California

Ordinance Number O- 21865