

ORDINANCE NUMBER O- 21871 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 03 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE THIRD AMENDMENT TO THE CONTRACT WITH VEOLIA WTS SERVICES USA, INC. (FORMERLY SUEZ WTS SERVICES USA, INC. AND GE MOBILE WATER, INC.) TO PROVIDE ELECTRODIALYSIS REVERSAL SYSTEM MAINTENANCE AND RELATED ACTIONS.

WHEREAS, Public Utilities Department utilizes electro dialysis reversal (EDR) systems at South Bay Water Reclamation Plant (SBWRP) and North City Water Reclamation Plant (NCWRP); and

WHEREAS, on December 2, 2016, City issued RFP 10073274-17-K to procure EDR system maintenance at SBWRP and NCWRP and obtain equipment, parts, and technical services for the EDR systems which reduce total dissolved solids to meet regulatory requirements for the production of recycled water; and

WHEREAS, the City executed a contract effective September 5, 2017 through September 4, 2022, with GE Mobile Water, Inc. (later acquired by Suez WTS Services USA, Inc., which was subsequently acquired by Veolia WTS Services USA, Inc. (Veolia)). At the end of the contract period the monthly rates were \$14,579.74 for SBWRP and \$25,689.45 for NCWRP; and

WHEREAS, expenditures continued after the contract expiration due to the essential need for the EDR systems to operate at both locations spanning from September 5, 2022, to January 25, 2023. In October 2022, Veolia submitted a proposal outlining new monthly rates for services at the SBWRP and NCWRP facilities that were intended to be used in a sole source

agreement. Veolia's services continued, but it was later determined that a sole source agreement had not been secured; and

WHEREAS, there is an outstanding balance of \$189,753 for services performed (\$35,928 attributed to SBWRP and \$153,825 to NCWRP) between September 2022 and January 2023, requiring additional payment; and

WHEREAS, Veolia has not performed any services since January 2023, and City staff kept the EDR systems available as much as possible without the specialized technical services, equipment, or parts from Veolia; and

WHEREAS, the Third Amendment retroactively extends the contract to encompass the continued service from September 2022 thru January 2023, ratifies payments already disbursed (\$53,892), and authorizes payment of the outstanding balance (\$189,753) to facilitate settlement for services rendered; 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. That the Third Amendment to the contract with Veolia WTS Services USA, Inc. to retroactively extend the contract term from September 5, 2022 through January 25, 2023, and increase the contract amount by \$189,753 for a total not to exceed amount of \$2,207,204.68

for EDR system maintenance provided, under the terms and conditions set forth in the Third Amendment on file in the Office of the City Clerk as Document No. OO- 21871, is approved.

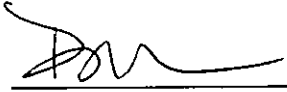
Section 2. That the Mayor, or designee, is authorized to sign and deliver the Third Amendment.

Section 3. That the Chief Financial Officer is authorized to expend \$189,753 from Fund 700001, Metro Sewer Utility Fund for the purposes of fulfilling the City's obligations under the Third Amendment, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying the 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 

Bonny Hsu
Deputy City Attorney

BH:cw
August 13, 2024
Or.Dept: Public Utilities Department
CC No.: 3000016649
Doc. No.: 3722579

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 24 2024.

DIANA J.S. FUENTES
City Clerk

By *Cornie Patterson*
Deputy City Clerk

Approved: 10/3/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000016649
 DEPT. NO.: 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: \$189,753.00

Vendor: Veolia WTS Services USA, Inc.

Purpose: To authorize the expenditure of funds, not to exceed \$189,753.00, for the Third Amendment to the Contract with Veolia WTS Services USA, Inc. (RFP 10073274-17-K) to Provide Electrodialysis Reversal System Maintenance.

Date: April 4, 2024

By: Elizabeth Warnock *Elizabeth Warnock*
 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
001	Non-Program	700001	N/A	512159	OTHR-00000000-SU	2000	2000191215	N/A	\$153,825.00
002	Non-Program	700001	N/A	512159	OTHR-00000000-SU	2000	2000191218	N/A	\$35,928.00
TOTAL AMOUNT									\$189,753.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on SEP 24 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 Foster, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" 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 OCT 03 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 Arwin, 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

SEP 10 2024, and on OCT 03 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 Arwin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21871</u>