#52 09/24/2024 (0-2025-16)

ORDINANCE NUMBER O- 21871 (NEW SERIES)

DATE OF FINAL PASSAGE 0CT 0 3 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 electrodialysis 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

(O-2025-16)

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

Ву

Bonny Hsu

Deputy City Attorney

BH:cw

August 13, 2024

Or.Dept: Public Utilities Department

CC No.: 3000016649

Doc. No.: 3722579

San Diego, at this meeting of		passed by the Council of the City of 124.
	¢.	DIANA J.S. FUENTES City Clerk
		By Connie Patterson Deputy City Clerk
Approved: 10/3/24 (date)		TODD GLORIA, Mayor
Vetoed:(date)		TODD GLORIA, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of The City of	of San Diego o	n \$E	P 2 4 2024	_, by the following vote
Joe LaCava Jennifer Campbell Stephen Whitburn Henry Foster, III Marni von Wilpert Kent Lee Raul A. Campillo Vivian Moreno Sean Elo-Rivera	Yeas O O O O O O O O O	Nays	Not Present	Recused
Date of final passage0CT_0	3 2024	·		
AUTHENTICATED BY:		Mayor	TODD GL of The City of Sa	ORIA an Diego, California.
(Seal)		City Clerk	DIANA J.S. FU of The City of S da Aru	ENTES San Diego, California Deputy
I HEREBY CERTIFY that the fo	oregoing ordin of its introduc	ance was no	ot finally passed a day of its final	d until twelve calendar passage, to wit, on
SEP 1 0 2024	, and o	n	OCT 0 3 20	<u>24 </u>
I FURTHER CERTIFY that said reading was dispensed with by a vo the ordinance was made available t of its passage.	te of five men	nbers of the	Council, and th	nat a written copy of
(Seal)		City Clerk By Lin For	,	ENTES San Diego, California. Deputy
-		fice of the C	ity Clerk, San D	