

ORDINANCE NUMBER O- 21872 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 03 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SECOND AMENDMENT TO THE CONTRACT WITH PATRIOT ENVIRONMENTAL SERVICES TO PROVIDE AS-NEEDED REMOVAL AND TRANSPORT OF GRIT, SLUDGE, SCUM, VIVIANITE, AND STORMWATER FROM WASTEWATER FACILITIES AND RELATED ACTIONS.

WHEREAS, the Public Utilities Department contracts with private companies to assist with cleaning pipes, tanks, and other infrastructure of debris such as vivianite, a byproduct created from use of an iron salt to control Hydrogen Sulfide and perform chemically enhanced primary treatment at the Point Loma Wastewater Treatment Plant (PLWTP); and

WHEREAS, on October 3, 2016, City issued an Invitation to Bid (10079310-17-K) to procure services for removal and transport of grit, sludge, scum, vivianite, and stormwater at the PLWTP, and the South Bay and North City Water Reclamation Plants. City executed a contract with Patriot Environmental Services (Patriot) effective December 16, 2016 through December 15, 2021; and

WHEREAS, Patriot assisted City with jetting pipes to clear vivianite and transporting grit, sludge, scum, vivianite, and stormwater for disposal and processing; and

WHEREAS, expenditures continued after the contract expiration from December 20, 2021, through April 21, 2022, due to the essential need of Patriot services at the PLWTP resulting in an outstanding balance of \$83,015 for services performed; and

WHEREAS, the Second Amendment retroactively extends the contract to encompass the continued service from December 2021 through April 2022, ratifies payments already disbursed (\$168,219), and authorizes payment of the outstanding balance (\$83,015) 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 Second Amendment to the contract with Patriot Environmental Services to retroactively extend the contract term from December 16, 2021 through April 21, 2022, and increase the contract amount by \$83,015 for a total not to exceed amount of \$2,888,131.68 for the removal and transport of grit, sludge, scum, vivianite, and stormwater, under the terms and conditions set forth in the Second Amendment to the contract, on file in the Office of the City Clerk as Document No. OO- 21872, is approved.


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

Section 3. That the Chief Financial Officer is authorized to expend \$83,015 from Fund 700001, Metro Sewer Utility Fund for the purposes of fulfilling the City's obligations under the Second 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.: 3000016886  
Doc. No.: 3722573

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   
\_\_\_\_\_  
Deputy City Clerk

Approved: 10/3/24  
\_\_\_\_\_  
(date)

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

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

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

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING **CC** 3000016886  
 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: \$83,015.00

Vendor: Patriot Environmental Services

Purpose: To authorize the expenditure of funds, not to exceed \$83,015.00, for the Second Amendment to the contract with Patriot Environmental Services (ITB 10079310-17-K) to provide the As-needed Removal and Transport of Grit, Sludge, Scum, Vivianite, and Stormwater from Wastewater Facilities.

Date: July 1, 2024 By: 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	512157	OTHR-0000000-SU	2000	2000191217	N/A	\$83,015.00
TOTAL AMOUNT									\$83,015.00

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 Irwin, 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 Irwin, Deputy  
For Connie Patterson

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21872</u>