

#55
03/25/2025

(O-2025-97)

ORDINANCE NUMBER O- 21938 (NEW SERIES)

DATE OF FINAL PASSAGE APR 03 2025

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING EXECUTION OF THE SEVENTH
AMENDMENT TO THE AS-NEEDED CITYWIDE
COOPERATIVE CONTRACT WITH HERC RENTALS, INC.
FOR EQUIPMENT RENTAL AND RELATED PRODUCTS
AND SERVICES.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

- A. On May 22, 2018, the City of Charlotte, North Carolina issued a Request for Proposal (RFP) No. 269-2018-047 for equipment rental.
- B. On November 1, 2018, based on the results of the competitive bid process, the City of Charlotte awarded to Herc Rentals, Inc. (HERC) a contract for five years with two additional two-year options (Contract No. 2019000318).
- C. On February 20, 2019, the City's Purchasing Agent certified in writing that the Contract meets the requirements set forth in San Diego Municipal Code section 22.3208 based on the following reasons: (1) The Contract is in the best interest of the City because it will ensure timely completion of construction projects by allowing City forces access to an extensive list of equipment options that are readily available; (2) The Contract was awarded using a process that complies with the Policies and Regulations as stipulated in the San Diego Municipal Code; and (3) The Contract is to the City's economic advantage because HERC has agreed to provide equipment rentals at Platinum-Level pricing, which is an average of a 40% discount from published retail pricing.
- D. The City entered into a cooperative procurement contract with HERC on February 20, 2019 (Contract). Subsequently, six amendments to the Contract have been

executed, incorporating yearly updated rental prices to the equipment identified in the Contract and increasing the total compensation.

E. The Contract has been continually used and the largest users of this contract include the Environmental Services Department, the Parks and Recreation Department, the Public Utilities Department, the Transportation Department, and the Stormwater Department.

F. The City is requesting Council approve an ordinance to increase the Contract's not to exceed amount for the rental of equipment from \$32,325,000 to an amount not to exceed \$41,325,000.

G. 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.

H. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. The Mayor, or designee, is authorized to execute, for and on behalf of the City, a Seventh Amendment to the As-Needed Citywide Cooperative Procurement Contract with Herc Rentals, Inc., to increase the not to exceed amount for the rental of various light to heavy equipment from \$32,325,000 to \$41,325,000, and otherwise modify the Contract pursuant to the terms and conditions set forth in the Seventh Amendment to the Contract, on file in the Office of the City Clerk as Document No. OO 21938


Section 2. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$41,325,000 over the full term of the Contract, as amended, contingent

upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent on 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. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 4. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By 
Mark M. Imada
Deputy City Attorney


SRL:jvg
February 28, 2025
Or.Dept: Purchasing and Contracting
Doc. No. 3982945

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
MAR 25 2025

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 4/1/25
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Note: The date of final passage is April 3, 2025, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on MAR 25 2025, 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 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 APR 03 2025.

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 Kristelle Medina, 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

MAR 11 2025, and on APR 03 2025.

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 Kristelle Medina, Deputy
for Connie Patterson

Office of the City Clerk, San Diego, California

Ordinance Number O- 21938