

mwd-8001 104
914

001685 REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE (FOR AUDITOR)
AC 2700859

TO: CITY ATTORNEY
2. FROM (ORIGINATING DEPARTMENT): Metropolitan Wastewater Department
3. DATE: May 17, 2007

4. SUBJECT: National Environmental Safety and Health Training Association (NESHTA) – Amendment No. 1

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.): Alan C. Langworthy, (619) 758-2300, MS-45A
6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.): R. David Flesh, (619) 758-2305, MS-45A
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	41506				9. ADDITIONAL INFORMATION / ESTIMATED COST: This Request: \$115,000
DEPT.	774				
ORGANIZATION	700				
OBJECT ACCOUNT	4151				
JOB ORDER	1243				
C.I.P. NUMBER					
AMOUNT	\$115,000				

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT.	<i>[Signature]</i>	5/31/07	8	DEPUTY CHIEF	<i>[Signature]</i>	6-29-07
2	E.O.C.			9	C.O.O.		
3	E.A.S.	<i>[Signature]</i>	6/12/07	10	CITY ATTORNEY	<i>[Signature]</i>	7/20/07
4	LIAISON OFFICE			11	ORIG. DEPT.	<i>[Signature]</i>	7/23/07
5	F.M.	<i>[Signature]</i>	6/22/07	DOCKET COORD: _____ COUNCIL LIAISON <i>[Signature]</i>			
6	AUDITOR	<i>[Signature]</i>	6/27/07 ✓	COUNCIL PRESIDENT <i>[Signature]</i> <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION		COUNCIL DATE: 9/14/07	
7				REFER TO: _____			

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Authorizing the Mayor or his designee to approve Amendment No. 1 to the Agreement with the National Environmental Safety and Health Training Association (NESHTA) to increase the not-to-exceed amount of the Agreement by \$115,000, from \$180,000 to \$295,000, and to increase the term of the Agreement by 18 months to a revised term of 48 months, for additional English to Spanish translation of selected material from technical manuals.
2. Authorizing expenditure of \$115,000 from Sewer Operating Fund 41506 for the purpose of funding Amendment No. 1 to the Agreement with NESHTA.

11A. STAFF RECOMMENDATIONS:
Adopt the Resolution.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): All
COMMUNITY AREA(S): All
ENVIRONMENTAL IMPACT: This activity is categorically exempt from CEQA, pursuant to State CEQA Guidelines, Section 15306.
ATTACHMENTS: Amendment No. 1 to the Agreement with NESHTA.
CITY CLERK INSTRUCTIONS: Please send two copies of the Resolution to MWWD, MS 901A, Attn: Rose Salarda.

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:	May 17, 2007	REPORT NO.:
ATTENTION:	Council President and City Council	
ORIGINATING DEPARTMENT:	Metropolitan Wastewater Department (MWWD)	
SUBJECT:	National Environmental Safety and Health Training Association (NESHTA) – Amendment No. 1	
COUNCIL DISTRICT(S):	Citywide	
STAFF CONTACT:	Alan C. Langworthy, (619) 758-2300, MS-45A	

REQUESTED ACTION:

Approve Amendment No. 1 to the Agreement with the National Environmental Safety and Health Training Association (NESHTA) to increase the not-to-exceed amount of the Agreement by \$115,000, from \$180,000 to \$295,000, and to increase the term of the Agreement by 18 months to a revised term of 48 months, for additional English to Spanish translation of selected material from technical manuals.

STAFF RECOMMENDATION:

Adopt the Resolution.

EXECUTIVE SUMMARY:

The City of San Diego and the State Water Resources Control Board (SWRCB) have worked together over the past several years to assist Mexican authorities in the planning and development of industrial pretreatment and wastewater treatment projects along the California/Baja California border. This work is to improve the operation of the International Wastewater Treatment Plant and to benefit the environment of the border region, including the ocean environment. As a part of this effort, SWRCB requested the City to translate from English to Spanish sections of a series of technical training manuals related to industrial pretreatment and wastewater treatment. The requested services included a series of workshops in Tijuana, Baja California to present the translated training materials to Baja California wastewater workers.

To fulfill the State's request, the City procured the professional consulting services of the National Environmental, Safety and Health Training Association (NESHTA). NESHTA controls the copyrights of the materials identified by the SWRCB to be translated. In addition, NESHTA is unique in that it has successfully provided such services on a recent, similar project for the City of San Diego.

As stated in a letter, dated June 11, 2003, from the SWRCB to Scott Tulloch, former Metropolitan Wastewater Department Director, all of the costs to the City for this work will be fully reimbursed by the State of California under the State's Defensive Measures Special Appropriation. MWWD staff established a scope of work with SWRCB and it was agreed that the cost of the project should not exceed \$180,000. In a letter, dated December 13, 2006, from the SWRCB to Scott Tulloch, approval was given to use remaining State Defensive Measures monies, limited to \$115,000, to allow translation of additional materials. Thus, MWWD seeks to amend the Agreement with NESHTA in order to increase the scope of work; the not-to-exceed amount by \$115,000, from \$180,000 to \$295,000; and the term of the Agreement by 18 months to a revised term of 48 months.

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FISCAL CONSIDERATIONS:

This total of this request is \$115,000 and is available in Sewer Operating Fund 41506. This action will increase the value of the Agreement from \$180,000 to \$295,000. The State Water Resources Control Board (SWRCB) will fully reimburse the City for the costs incurred by the City under the Agreement with NESHTA.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

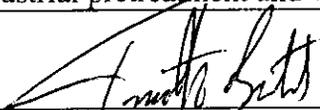
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

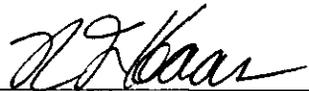
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

State Water Resources Control Board which seeks to improve the planning and development of industrial pretreatment and wastewater treatment projects along the California/Baja California border.

NESHTA which has the capability and resources to provide the translated materials necessary to improve industrial pretreatment and wastewater treatment projects along the California/Baja California border.


Originating Department


Deputy Chief/Chief Operating Officer

001689

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700859

ORIGINATING

DEPT. NO.: 774

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
TOTAL AMOUNT											

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

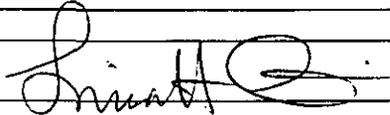
I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the 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: \$115,000.00

Vendor: National Environmental Safety & Health Training Association (NESHTA)

Purpose: Authorizing the expenditure of funds for Amendment #1 to the agreement with NESHTA for additional English to Spanish translation of selected material from technical manuals.

Date: June 27, 2007

By: 

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
1	0	41506	774	700	4151	1243					115,000.00
TOTAL											\$115,000.00

FUND OVERRIDE

AC 2700859

001691

P&C Date Received _____
 Tracking Number _____
 P&C Contact _____

The City of San Diego
PURCHASING & CONTRACTING DEPARTMENT
ROUTING SLIP

*NOTE: Please use this form for routing purposes when submitting documents to Purchasing & Contracting.
 (for signatures: Purchasing & Contracting Execution Signature, Equal Opportunity Contracting or the Purchasing
 Agents or for document preparation: construction contracts, professional services agreements, service agreements,
 1472's, 1544's, PA700's, specifications sheet, etc).*

Please indicate commodity code of contractual service for proper routing of document.

Originator: John Dullaghan Phone No. 26318

Subject/Title of Project: Professional Consultant Services (National Environmental Safety and Health
 Training Association (NESTA))

Doc. Type (check one): 1472 1544 PA700 Amendment Change Order
 Original Contract Service Agreement Other

TO:

Construction Contracting	A&E Consulting	Other Professional Services
<input type="checkbox"/> 9200 Minor Construction	<input type="checkbox"/> 9902 Aerial Survey	<input type="checkbox"/> 9100 Revenue Contracts
<input type="checkbox"/> 9300 Metro Construction	<input type="checkbox"/> 9903 Architectural	<input type="checkbox"/> 9900 Consultants Other
<input type="checkbox"/> 9400 E&C Major Construction	<input type="checkbox"/> 9908 Construction Related A&E	<input type="checkbox"/> 9901 Accounting
	<input type="checkbox"/> 9909 Design A&E	<input type="checkbox"/> 9904 Artist-Fine, Graphic, Visual
	<input type="checkbox"/> 9910 Engineering A&E	<input type="checkbox"/> 9905 Appraiser
	<input type="checkbox"/> 9914 Geotechnical A&E	<input type="checkbox"/> 9906 Banking
	<input type="checkbox"/> 9923 Horticulturist A&E	<input type="checkbox"/> 9907 Computer Consultant
	<input type="checkbox"/> 9924 Biological A&E	<input type="checkbox"/> 9911 Financial
	<input type="checkbox"/> 9925 Environmental A&E	<input type="checkbox"/> 9912 Insurance, Ins. Broker
	<input type="checkbox"/> 9926 Archaeological A&E	<input type="checkbox"/> 9913 Investment
	<input checked="" type="checkbox"/> 9927 Oceanography/EMTS Lab Services	<input type="checkbox"/> 9915 Legal
		<input type="checkbox"/> 9916 Lobbyist
		<input type="checkbox"/> 9917 Medical
		<input type="checkbox"/> 9919 Planning
<input type="checkbox"/> Other (ex. easement agreement, contract from another agency, etc.)		<input type="checkbox"/> 9920 Real Estate
		<input type="checkbox"/> 9921 Training
		<input type="checkbox"/> 9922 Utility, Billing, Rate Analysis
		<input type="checkbox"/> 9928 Auditors

NOTE: This routing slip will assist in expediting your request.
 Please call 236-6000 if you need assistance in determining the commodity code.

Turn Orig RESO TO:
WWD: Routing Team
MS# 901 A/ROSE

RESOLUTION NUMBER R- _____

DATE OF FINAL PASSAGE _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO AN AGREEMENT WITH THE NATIONAL ENVIRONMENTAL SAFETY AND HEALTH TRAINING ASSOCIATION; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AMENDMENT; AND TAKING RELATED ACTIONS

BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. That Amendment No. 1 to the Agreement with the National Environmental Safety and Health Training Association [Amendment 1] on file with the City Clerk as Document No.

RR _____ is approved and the Mayor or his designee is authorized to execute the Amendment.

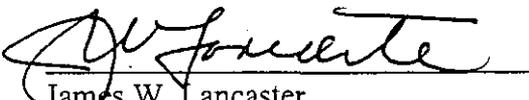
2. That the expenditure of an amount not to exceed \$115,000 from Sewer Operating Fund 41506, is authorized for the purpose of funding the Amendment.

3. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

4. That this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15306 as data collection, research and

resource evaluation activities that do not result in a serious or major disturbance to an environmental resource.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
James W. Lancaster
Deputy City Attorney

JWL:ca
07/20/2007
Aud.Cert.: AC 2700859
Or.Dept: MWWD
R-2008-91

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

001695

ORIGINAL

CITY OF SAN DIEGO
METROPOLITAN WASTEWATER DEPARTMENT

AMENDMENT NO. 1

TO THE

AGREEMENT

BETWEEN THE

CITY OF SAN DIEGO

AND THE

NATIONAL ENVIRONMENTAL SAFETY AND HEALTH TRAINING
ASSOCIATION (NESHTA)

FOR

PROFESSIONAL CONSULTING SERVICES

April 2007

City of San Diego
Metropolitan Wastewater Department
9192 Topaz Way
San Diego, California 92123

001696

AMENDMENT NO. 1
TO THE
AGREEMENT
BETWEEN THE
CITY OF SAN DIEGO
AND THE
NATIONAL ENVIRONMENTAL SAFETY AND HEALTH TRAINING
ASSOCIATION (NESHTA)
FOR
PROFESSIONAL CONSULTING SERVICES

WHEREAS, the CITY, on October 11, 2004, entered an AGREEMENT (the original of which is on file in the office of the City Clerk as Document No. C-12879) with the NATIONAL ENVIRONMENTAL SAFETY AND HEALTH TRAINING ASSOCIATION (CONSULTANT) for the English to Spanish translation of selected material from technical manuals and the presentation of technical workshops in Tijuana, Baja California, Mexico;

WHEREAS, the CITY and CONSULTANT mutually desire to further amend the AGREEMENT to increase the Not-to-Exceed amount of the AGREEMENT by \$115,000.00 from \$180,000.00 to \$295,000.00; and

WHEREAS, the CITY and CONSULTANT mutually desire to further amend the AGREEMENT to increase the term of the AGREEMENT by 18 months to a revised term of 48 months;

NOW, THEREFORE, the City and the CONSULTANT, for the consideration hereinafter named, agree as follows:

1.0 CONSULTANT'S RESPONSIBILITIES

With regards to this Amendment No. 1, the CONSULTANT shall provide *professional consultant services to the CITY's Metropolitan Wastewater Department (MWWD)* as authorized by MWWD, for the English to Spanish translation of selected material from technical manuals. The CONSULTANT will not be tasked with conducting presentation of technical workshops in Tijuana, Baja California, Mexico. The CONSULTANT shall not make any deletions or substitutions to the specified Scope of Work, Amendment No. 1, Exhibit A and or the Work Flow Process, Amendment No. 1, Exhibit B.

3.0 SCHEDULE

Delete Paragraph 3.0 and replace with the following:

The CITY and the CONSULTANT hereby agree that the services to be provided under this AGREEMENT and its Exhibits will be required for a period Not-to-Exceed forty-eight (48) months commencing with the execution of the AGREEMENT.

5.0 COMPENSATION AND PAYMENTS

5.1 The Not-to-Exceed amount for this AGREEMENT is hereby increased by this Amendment No. 1 by One Hundred Fifteen Thousand (\$115,000) Dollars from One Hundred Eighty Thousand (\$180,000) Dollars to the revised amount of Two Hundred Ninety-five Thousand (\$295,000) Dollars.

5.3 With regards to this Amendment No. 1, the CONSULTANT shall submit one invoice per month with supporting documentation to the City in arrears for services provided. Monthly invoices shall be supported with

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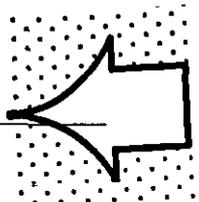
the description of the materials translated, the number of pages translated, and the total amount of the invoice at the rate of number of pages translated multiplied by \$197.93 per page.

IN WITNESS WHEREOF, this AMENDMENT is executed by the City of San Diego, acting by and through its Mayor or his designee, pursuant to San Diego City Municipal Code Sections 22.3222 and 11.0102.5 authorizing such execution, and by the Contractor.

NATIONAL ENVIRONMENTAL SAFETY AND HEALTH TRAINING ASSOCIATION (NESHTA)

CITY OF SAN DIEGO

By: [Signature]

By: _____ 

Title: Executive Director

Title: _____

Date: 5/15/07

Date: _____

I HEREBY APPROVE the form and legality of the foregoing Agreement this _____ day of

_____,
2007.

MICHAEL J. AGUIRRE, City Attorney

By _____
Deputy City Attorney

Revised EXHIBIT A**SCOPE OF WORK
(Amendment No. 1)**

The material to be translated is from the following manuals:

- a) Operation and Maintenance of Wastewater Collection Systems, Volume I, Sixth Edition. Prepared by California State University, Sacramento. Kenneth D. Kerri, Project Director, 2003.
- b) Operation and Maintenance of Wastewater Collection Systems, Volume II, Sixth Edition. Prepared by California State University, Sacramento. Kenneth D. Kerri, Project Director, 2004.
- c) Operation of Wastewater Treatment Plants, Volume II, Sixth Edition. Prepared by California State University, Sacramento. Kenneth D. Kerri, Project Director, 2003.
- d) Advanced Waste Treatment, Fifth Edition. Prepared by California State University, Sacramento. Kenneth D. Kerri, Project Director, 2006.
- e) Treatment of Metal Wastestreams, Third Edition. Prepared by California State University, Sacramento. Kenneth D. Kerri, Project Director, 2003.

The specific sections to be translated into Spanish are:

1. From (a), Chapter 3 "Wastewater Collection Systems." Pages 23 – 76.
2. From (a), Chapter 7 "Underground Repair." Pages 391 – 505.
3. From (b), Chapter 9 "Equipment Maintenance." Pages 149 – 267.
4. From (c), Chapter 13 "Effluent Disposal." Pages 237 – 256.
5. From (c), Chapter 18 "Analysis and Representation of Data." Pages 631 – 660.
6. From (d), Chapter 3 "Residual Solids Management." Pages 153 – 270 and Pages 287 – 324.
7. From (d), Chapter 8 "Wastewater Reclamation and Reuse." Pages 573 – 614.
8. From (e), "Methods of Treatment," Lesson 2, Section 5. Pages 23 – 54.
9. From (e), "Operation, Maintenance, and Troubleshooting," Lesson 3, Sections 8.0 – 8.2. Pages 67 – 79.

TOTAL NUMBER OF PAGES = 581

001700

Revised EXHIBIT B

**WORK FLOW PROCESS
(Amendment No. 1)**

1. Translator submits first draft to NESHTA.
2. NESHTA submits unmodified draft to the Comision Estatal de Servicios Publicos de Tijuana (CESPT) for review. CESPT reviews draft and recommends changes, additions, modifications, etc. and submits revised draft to NESHTA.
3. NESHTA submits unmodified draft to Translator for the incorporation of CESPT's recommendations.
4. Translator submits revised draft to NESHTA.
5. NESHTA submits revised draft to CESPT for final review.
6. CESPT submits final comments to NESHTA and approves the final product.
7. If necessary, NESHTA submits CESPT's final comments to Translator to make the final changes.
8. Translator makes final changes and submits final product to NESHTA. NESHTA provides final product to the City of San Diego.