

COUNCIL DOCKET OF

3/25/08

Supplemental Adoption Consent Unanimous Consent Rules Committee Consultant Review

R -

O -

Kennedy/Jenks Consultants Design Agreement for Specific Canyon Trunk Sewers Group 2 – Amendment 2

Reviewed Initiated By NR&C On 2/27/08 Item No. 3d

RECOMMENDATION TO:

Approve

VOTED YEA: Frye, Faulconer, Peters, Atkins

VOTED NAY:

NOT PRESENT:

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO.

INDEPENDENT BUDGET ANALYST NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Metropolitan Wastewater Department's January 7, 2008, 1472 Request for Action

COUNCIL COMMITTEE CONSULTANT



000257

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE)
N/A

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
METROPOLITAN WASTEWATER DEPARTMENT

3. DATE: 1/7/08

4. SUBJECT:
Kennedy/Jenks Consultants Design Agreement for Specific Canyon Trunk Sewers Group 2 - Amendment 2

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
Ray Fischer (858) 292-6407, MS 901

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Craig Whittemore (858) 292-6471, MS 901

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED
X

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	41506	41506		
DEPT.	773	773		
ORGANIZATION	960	960		
OBJECT ACCOUNT	4118	4118		
JOB ORDER	178182	178562		
C.I.P. NUMBER	46-197.6	46-197.9		
AMOUNT	No Cost	No Cost		

9. ADDITIONAL INFORMATION / ESTIMATED COST:

R-297031	\$2,351,534
C-13454 Amd.1	No Cost
This Request Amd.2	No Cost
Total Contract	\$2,351,534

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT.	<i>[Signature]</i>	1/15/08	8	DEPUTY CHIEF	<i>[Signature]</i>	2/1/08
2	E.O.C.	<i>[Signature]</i>	1/18/08	9	C.O.O.	<i>[Signature]</i>	
3	E.A.S.	<i>[Signature]</i>	1/25/08	10	CITY ATTORNEY	<i>[Signature]</i>	2/21/08
4	LIAISON OFFICE	<i>[Signature]</i>		11	ORIG. DEPT.	<i>[Signature]</i>	2/25/08
5	F.M. DM PL	<i>[Signature]</i>	2/12/08		DOCKET COORD:	<i>[Signature]</i>	3/3/08
6	AUDITOR	<i>[Signature]</i>	2/13/08		COUNCIL PRESIDENT	<i>[Signature]</i>	3/25/08
7							

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

1. Authorizing the Mayor, or his designee, to execute Amendment No. 2 to the agreement with Kennedy/Jenks Consultants, providing for a time extension for a period of one (1) additional year from the expiration date of the existing contract.

11A. STAFF RECOMMENDATIONS:
Adopt the Ordinance.

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

COUNCIL DISTRICT(S): 5 & 7

COMMUNITY AREA(S): Mira Mesa, S.D. County, Scripps Miramar Ranch and Navajo

ENVIRONMENTAL IMPACT: This activity is statutorily exempt from CEQA pursuant to the State Guidelines Section 15262.

ATTACHMENTS: Amendment No. 2 to the Agreement with Kennedy/Jenks Consultants.

CITY CLERK INSTRUCTIONS: Please forward two copies of the Resolution to MWD, MS 901A, Attn: Rose Salarda.

This Action is subject to Charter Section 99. Six votes are required for approval.

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:	January 7, 2008	REPORT NO.:
ATTENTION:	Council President and City Council	
ORIGINATING DEPARTMENT:	Metropolitan Wastewater Department	
SUBJECT:	Kennedy/Jenks Consultants design Agreement for Specific Canyon Trunk Sewers Group 2 – Amendment 2	
COUNCIL DISTRICT(S):	5 & 7	
STAFF CONTACT:	Ray Fischer (858) 292-6407	

REQUESTED ACTION:

Approval of Amendment No. 2 to the agreement with Kennedy/Jenks Consultants, providing for a time extension for a period of one (1) additional year from the expiration date of the existing contract.

STAFF RECOMMENDATION:

Adopt the Ordinance.

EXECUTIVE SUMMARY:

On September 9, 2002, the City entered into an agreement with Kennedy/Jenks Consultants with Document Number RR-297031. The agreement, in the amount of \$2,351,534, included pre-design, design and construction support work associated with the Specific Canyon Trunk Sewers Group 2 project. Group 2 consists of trunk sewers at USIU, Lake Murray and Mission Village. On October 26, 2005, a "NO COST" Amendment No. 1 was filed in the Office of the City Clerk as Document No. C-13454, which revised an insurance provision to reflect industry practice.

There is no remaining work for Mission Village. The design is near completion for both Lake Murray and USIU and construction is scheduled for FY 2010 and FY 2011 respectively. The existing contract with Kennedy/Jenks is currently over five years and requires a time extension to complete the activities required for design completion.

This request is for a "NO COST" time extension for one (1) additional year from the expiration date of the existing contract. The contract expired on September 9, 2007. This amendment will enable Kennedy/Jenks Consultants to complete the design for the Lake Murray and USIU Trunk Sewer projects.

EQUAL OPPORTUNITY CONTRACTING

Funding Agency: City of San Diego

Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)

Current Subconsultant Participation: \$ 245,650 (WBE/DBE) – 15.3%
\$ 297,089 (OBE) – 18.5%

Current Paid to Date Contract Total \$ 1,607,316

Other: Workforce Report Submitted –based on the latest work force report a current Equal Opportunity Plan has been requested. Staff will monitor plan and adherence To Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-297031 Authorized contract in the amount of \$2,351,534.

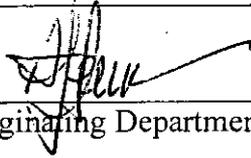
This action was reviewed and approved by the Natural Resources and Culture Committee on February 27, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

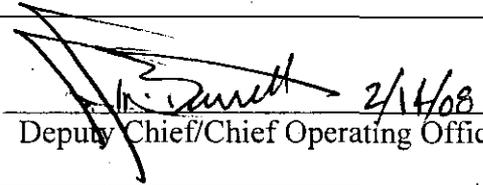
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Kennedy/Jenks Consultants



Originating Department



Deputy Chief/Chief Operating Officer

File: Admin WOFO 2000

Date WOFO Submitted: 2/12/2008
Input by: jlr

Goals reflect statistical labor force availability for the following: 2000 CLFA
San Diego, CA

City of San Diego/Equal Opportunity Contracting
WORK FORCE ANALYSIS REPORT
FOR
Company: Kennedy/Jenks Consultants

I. TOTAL WORK FORCE:

CLFA Goals	Black		Hispanic		Asian		American Indian		Filipino		White		Other	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Mgmt & Financial Professional	4.0%	0	0	12.6%	0	0	6.2%	0	0	6.5%	0	0	0	0
A&E, Science, Computer Technical	2.5%	0	0	7.3%	0	0	16.2%	0	0	16.2%	0	0	3	0
Sales	3.9%	0	0	14.8%	0	0	17.2%	0	0	17.2%	0	0	0	0
Administrative Support Services	7.0%	0	0	19.5%	0	0	6.8%	0	0	8.8%	0	0	1	2
Crafts	5.5%	0	0	20.8%	0	0	9.7%	0	0	9.7%	0	0	0	0
Operative Workers	4.5%	0	0	25.8%	0	0	8.8%	0	0	9.1%	0	0	0	0
Transportation Laborers	8.1%	0	0	38.8%	0	0	20.8%	0	0	20.8%	0	0	0	0
TOTAL	4.4%	0	0	24.0%	0	0	7.1%	0	0	6.5%	0	0	3	2

HOW TO READ TOTAL WORK FORCE SECTION:

The information blocks in Section 1 (Total Work Force) identify the absolute number of the firm's employees. Each employee is listed in their respective ethnic/gender and employment category. The percentages listed under the heading of "CLFA Goals" are the County Labor Force Availability goals for each employment and ethnic/gender category.

Mgmt & Financial Professional
A&E, Science, Computer Technical
Sales
Administrative Support Services
Crafts
Operative Workers
Transportation Laborers

TOTAL EMPLOYEES			Female Goals
ALL	M	F	
17	10	7	59.8%
0	0	0	59.5%
4	4	0	49.0%
3	1	2	62.3%
0	0	0	8.6%
0	0	0	36.7%
0	0	0	15.2%
0	0	0	11.1%

HOW TO READ EMPLOYMENT ANALYSIS SECTION:

The percentages listed in the goals column are calculated by multiplying the CLFA goals by the number of employees in that job category. The number in that column represents the percentage of each protected group that should be employed by the firm to meet the CLFA goal. A negative number will be shown in the discrepancy column for each underrepresented goal of at least 1.00 position.

II. EMPLOYMENT ANALYSIS

CLFA Goals	Black			Hispanic			Asian			American Indian			Filipino			Female		
	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy
Mgmt & Financial Professional	0.03	0	N/A	0.12	0	N/A	0.06	0	N/A	0.00	0	N/A	0.06	0	N/A	0.40	0	N/A
A&E, Science, Computer Technical	0.22	0	N/A	0.58	0	N/A	1.30	0	N/A	0.02	0	N/A	0.30	0	N/A	1.30	0	2.22
Sales	0.28	0	N/A	0.69	0	N/A	0.69	0	N/A	0.02	0	N/A	0.69	0	N/A	1.95	0	(1.95)
Administrative Support Services	0.04	0	N/A	0.20	0	N/A	0.07	0	N/A	0.01	0	N/A	0.07	0	N/A	0.49	0	N/A
Crafts	0.21	0	N/A	0.62	0	N/A	0.26	0	N/A	0.02	0	N/A	0.26	0	N/A	2.20	2	N/A
Operative Workers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Transportation Laborers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
TOTAL	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00

Goals are set by job categories for each protected group. An underrepresentation is indicated by a negative number, but if the DISCREPANCY is less than -1.00 position, a N/A will be displayed to show there is no underrepresentation.

RESOLUTION NUMBER R-297031

ADOPTED ON SEPTEMBER 9, 2002

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an agreement not to exceed \$2,351,534 with Kenndey/Jenks Consultants, for Planning and Design of Specific Canyon Trunk Sewers Group II, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR-297031, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer an amount not to exceed \$1,500,000 from Sewer Fund 41506, CIP No. 46-506.0, Pipeline Rehabilitation In The R.O.W.-Phase A to Fund 41506, CIP No. 46-194.0, Annual Allocation - Trunk Sewer Rehabilitation.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$2,351,534 from Fund 41506, CIP No. 46-194.0, Annual Allocation - Trunk Sewer Rehabilitations, is hereby authorized for the purpose of funding this agreement in the following manner:

///

///

///

FY 2003 appropriations \$1,575,528;

FY 2004 appropriations \$776,006, contingent upon the approval of the
FY 2004 operating budget, and provided the City
Auditor and Comptroller first furnishes a certificate
demonstrating that the funds necessary for
expenditure are, or will be, on deposit in the City
Treasury.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to
transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering
department.

APPROVED: CASEY GWINN, City Attorney

By _____
Thomas C. Zeleny
Deputy City Attorney

TCZ:ccm
8/14/02
Aud.Cert:2300198
Or.Dept:MWWD
R-2003-268
Form=auagr.frm

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING
A SECOND AMENDMENT TO THE DESIGN AGREEMENT
WITH KENNEDY/JENKS CONSULTANTS IN CONNECTION
WITH THE SPECIFIC CANYON TRUNK SEWER PROJECT,
GROUP 2.

WHEREAS, Kennedy/Jenks Consultants was hired by the City for pre-design, design,
and construction support in connection with the City's Specific Canyon Trunk Sewer Upgrades;
and

WHEREAS, delays in this project resulted due to the City's financial constraints and
revised priorities, which now require a time extension for the consultants to complete the work;
NOW, THEREFORE,

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

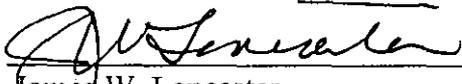
Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of
the City, a second amendment to the agreement with Kennedy/Jenks Consultants, for a one-year
time extension on the agreement, and under terms and conditions set forth in Amendment No. 2,
on file in the office of the City Clerk as Document Number OO-_____.

Section 2. That this activity is statutorily exempt from the California Environmental
Quality Act pursuant to CEQA Guidelines section 15262 because it involves only feasibility or
planning studies for future action.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, since
a written copy was made available to the City Council and the public prior to the day of passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
James W. Lancaster
Deputy City Attorney

JWL:mb
02/20/08
Or.Dept:MWWD
Aud.Cert:N/A
MWD-8069
O-2008-108

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

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

000267

ORIGINAL

CITY OF SAN DIEGO
METROPOLITAN WASTEWATER DEPARTMENT

AMENDMENT NO. 2

TO THE

AGREEMENT

FOR

PROFESSIONAL ENGINEERING SERVICES

BETWEEN

THE CITY OF SAN DIEGO

AND

KENNEDY/JENKS CONSULTANTS, INC.

FOR

UPGRADES TO SPECIFIC CANYON TRUNK SEWERS
GROUP 2

November 2007

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

AMENDMENT NO. 2
TO THE
AGREEMENT
FOR
PROFESSIONAL ENGINEERING SERVICES
BETWEEN
THE CITY OF SAN DIEGO
AND
KENNEDY/JENKS CONSULTANTS, INC.
FOR
UPGRADES TO SPECIFIC CANYON TRUNK SEWERS
GROUP 2

WHEREAS, on September 9, 2002 the CITY entered into an AGREEMENT, the original of which is on file in the Office of the City Clerk as Document No. RR-297031, with the CONSULTANT to provide design services for specific canyon trunk sewers; and

WHEREAS, on October 26, 2005, the CITY and the CONSULTANT mutually agreed to amend the AGREEMENT to revise insurance provision for NO COST, via Amendment No. 1, Document No. C-13454; and

WHEREAS, the CITY and the CONSULTANT mutually agree to delete all remaining work for the Mission Village Canyon Trunk Sewer; and

WHEREAS, the Mission Village Canyon Trunk Sewer has remaining funds totaling \$236,974.00 which will be transferred to Additional Services; and

WHEREAS, the CITY and the CONSULTANT mutually agree to extend to September 8, 2008,

NOW THEREFORE, the CITY and the CONSULTANT mutually agree to amend the AGREEMENT at NO ADDITIONAL COST to the CITY as follows:

1.0 SECTION 2, CONSULTANT RESPONSIBILITIES

1.1 Add Paragraph 2.2.3 to the AGREEMENT as follows:

“The period of performance of this AGREEMENT shall be from the date of execution of the AGREEMENT to September 8, 2008.”

2.0 SECTION 4, COMPENSATION AND PAYMENTS

2.1 Modify Subsection 4.1.4.2, page 19 and 20 as follows:

FROM:

“A not-to-exceed amount for Additional Services that may be authorized under SECTION 5 of this AGREEMENT.

Funding Phases	Fixed Amount	Not to Exceed Amount for Additional Services	Total Not to Exceed Amount
1	\$1,425,528	\$150,000	\$1,575,528
2	<u>\$ 626,006</u>	<u>\$150,000</u>	<u>\$ 776,006</u>
Total	\$2,051,534	\$300,000	\$2,351,534”

“A not-to-exceed amount for Additional Services may be authorized under SECTION 5 of this AGREEMENT.

TO:

Funding Phases	Fixed Amount	Amount for Additional Services	Not to Exceed Amount
1	\$1,238,143	\$337,385	\$1,575,528
2	<u>\$ 576,417</u>	<u>\$199,589</u>	<u>\$ 776,006</u>
Total	\$1,814,560	\$536,974	\$2,351,534”

This AMENDMENT NO. 2 to the AGREEMENT shall affect only the page(s) and paragraph(s) and/or terms and conditions referred to herein. All other elements of the AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, this SECOND AMENDMENT is executed by the City of San Diego, acting by and through its Mayor, or his designee, pursuant to City of San Diego Ordinance No. _____ authorizing such execution, and by the CONSULTANT.

KENNEDY/JENKS CONSULTANTS.

CITY OF SAN DIEGO

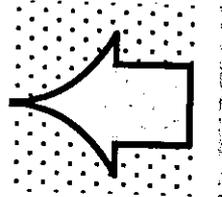
By: Walter G. Cobos

By: _____
Mayor or designee

Title: Principal Engineer

Date: _____

Date: 11-21-07



I HEREBY APPROVE the form and legality of the foregoing Amendment No. 3 this _____ day of _____, 2007.

MICHAEL J. AGUIRRE, City Attorney

By: _____
Deputy City Attorney