

6/23/2020  
#54  
(O-2020-108)

ORDINANCE NUMBER O- 21199 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 24 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE AGREEMENT WITH EMERSON PROCESS MANAGEMENT POWER & WATER SOLUTIONS, INC. TO PROVIDE AS-NEEDED SUPPLIES AND TECHNICAL SUPPORT FOR THE COMNET DISTRIBUTED CONTROL SYSTEM FOR PUBLIC UTILITIES WASTEWATER FACILITIES.

WHEREAS, in 1995, the City Council authorized the City of San Diego (City) to enter into an agreement with Emerson Process Management Power & Water Solutions, Inc. (Emerson), formerly Westinghouse Process Control, for the design, installation, and implementation of the Public Utilities Department's Clean Water Operations Management Network (COMNET). Since then, Emerson has provided as-needed maintenance and technical support for equipment replacement, software, hardware, and system upgrades using their proprietary Distributed Control System (DCS); and

WHEREAS, since Emerson is the sole provider of the hardware and software components of the DCS currently used within COMNET, a ten (10)-year sole source (#4074) agreement was approved on June 14, 2019. The continued use of Emerson's DCS products and technical support and services will allow seamless and cost-effective integration of new facilities, as well as continuing the ongoing effort for system upgrades needed at the existing Wastewater facilities; and

WHEREAS, the not-to-exceed value of this request is \$30 million that is a figure based on budgetary proposals received from Emerson and this amount is projected to cover a ten (10)-year period and includes performing necessary DCS upgrades at existing Wastewater facilities as well as additional features to strengthen the DCS physical and cyber security aspects in accordance

with the recommendations made by the City Auditor. The costs associated with the as-needed projects are considered as both Capital Improvement Projects and Organizational & Management type of projects which will be paid out of various funding sources; and

WHEREAS, this action is to request authorization to execute a ten (10)-year as-needed agreement with Emerson Process Management Power & Water Solutions, Inc., in an amount not to exceed \$30 million, to continue providing control systems integration, technical support, and cybersecurity related products and services to expand, upgrade, and maintain COMNET at various Wastewater facilities to ensure a reliable, continued operation; and

WHEREAS, under 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; 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, an agreement with Emerson Process Management Power & Water Solutions, Inc. (Emerson), to provide As-Needed Supplies and Technical Support for the COMNET Distributed Control System in an amount not to exceed \$30 million, contingent upon 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, under the terms and conditions set forth in the Agreement, on file in the Office of the City Clerk as Document No. OO- 21199.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$30 million in total, over ten (10) years, from Fund 700008, Muni Sewer CIP, Fund 700009, Metro Sewer CIP, Fund 700000, Muni Sewer Revenue, and Fund 700001, Metro Sewer Utility, for the purpose of funding the As-Needed Supplies and Technical Support

agreement with Emerson, 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 that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP ATT00002, Enterprise Funded IT Projects, and to appropriate and expend \$600,000, from Fund 700009, Metro Sewer CIP, for the purpose of continuing to provide control systems integration, technical support, and cybersecurity related products and services to expand, upgrade, and maintain COMNET at various Wastewater facilities to ensure a reliable, continued operation.

Section 4. That the Mayor or his designee is authorized to expend funds not to exceed \$5,640,000 from CIP ATT00002, Enterprise Funded IT Projects, Fund 700008, Muni Sewer CIP, and Fund 700009, Metro Sewer CIP, for City Force Work related expenses.

Section 5. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 6. 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.



Passed by the Council of The City of San Diego on JUN 23 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<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"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 24 2020.

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , 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 JUN 09 2020, and on JUN 24 2020.

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)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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