

ORDINANCE NUMBER O- 21309 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 17 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF AN ADDITIONAL FIVE YEAR CONTRACT WITH HAWTHORNE MACHINERY CO. FOR AS-NEEDED REPAIRS AND TECHNICAL SERVICES TO ENGINES AND GENERATORS OPERATED BY PUBLIC UTILITIES DEPARTMENT.

WHEREAS, this action is to request authorization to execute an additional five (5) year as-needed agreement with Hawthorne Machinery Co. (Hawthorne) in an amount not to exceed \$15 million, to provide parts, technical and repair services for Caterpillar CoGeneration engines, backup generators, and associated switchgear at various Public Utilities Department facilities; and

WHEREAS, on November 3, 2015, City Council approved a resolution (R-310036) executing a five (5) year agreement with Hawthorne to provide technical services and parts for Caterpillar engine generators and electrical switchgear in an amount not to exceed \$8,417,647. This agreement expired on December 3, 2020. This action is to authorize, via sole source (Sole Source No. 4186), another five (5) year agreement with Hawthorne, bringing it to a total of ten (10) years to continue providing as needed repair services, parts and technical expertise to help City staff ensure that the engines and generators are operational; and

WHEREAS, the City of San Diego, Public Utilities Department, Wastewater Treatment and Disposal division manages the operations and maintenance of the Regional Wastewater treatment system for the City and the member agency of the Metro Wastewater Joint Powers

Authority. The system currently operates five (5) continuous running engine/generators and nineteen (19) emergency backup generators that require repairs and technical services to ensure the equipment provides power to critical treatment and pumping system infrastructure; and

WHEREAS, this action is requesting that Council authorize the execution of an agreement with Hawthorne Machinery Co. to provide parts, technical and repair services for Caterpillar engines, backup generators, and associated switchgear located at various Public Utilities facilities for an additional five years and \$15 million dollars; 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 a five (5) year as-needed agreement with Hawthorne Machinery Co. (Sole Source No. 4186) to provide parts, technical and repair services to various Public Utilities Department sites as required, in an amount not to exceed \$15 million, 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 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$15 million over the term of the five year contract, of which \$3,500,000 is estimated to be spent in FY 2022 (\$100,000 from Fund 700000, Muni Sewer Revenue Fund, and \$3,400,000 from Fund 700001, Metro Sewer Utility Fund) and \$11,500,000 for all subsequent years (estimated to be \$2,693,750 from Fund 700000, Muni Sewer Revenue Fund, \$8,612,500 from Fund 700001, Metro Sewer Utility Fund, and, \$193,750 from the Water Utility Operating Fund

700011), for the purpose of funding the contract for parts, and technical and repair services with Hawthorne Machinery Co., contingent upon 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, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 4. That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City 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 /s/ Christine M. Leone
Christine M. Leone
Chief Deputy City Attorney

CML:soc
9/30/2021
CC: 3000014317
Or.Dept: PUD
Doc No.:2774740

(Note: Per Ordinance O-21178 adopted on April 7, 2020, see attached signature pages.)

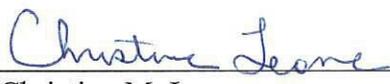
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APPROVED: MARA W. ELLIOTT, City Attorney

By 
Christine M. Leone
Chief Deputy City Attorney

CML:soc
9/30/2021
CC: 3000014317
Or.Dept: PUD
Doc No.:2774740

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 07 2021.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 12/17/21
(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000014317
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: \$3,500,000.00

Vendor: Hawthorne Machinery Co.

Purpose: To authorize expenditure of funds, not to exceed \$3,500,000, for as-needed repairs and technical services to engines and generators operated by Public Utilities Department.

Date: September 30, 2021 By: Leana Chan
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	700000	N/A	512159	OTHR-00000000-SU	2000	2000191224	N/A	\$100,000.00
002	Non-Program	700001	N/A	512159	OTHR-00000000-SU	2000	2000191220	N/A	\$2,400,000.00
003	Non-Program	700001	N/A	512159	OTHR-00000000-SU	2000	2000191215	N/A	\$600,000.00
004	Non-Program	700001	N/A	512159	OTHR-00000000-SU	2000	2000191212	N/A	\$400,000.00
TOTAL AMOUNT									\$3,500,000.00

FUND OVERRIDE

CC 3000014317

Passed by the Council of The City of San Diego on DEC 07 2021, 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"/>
Monica Montgomery Steppe	<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"/>
Chris Cate	<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 DEC 17 2021.

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

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

By [Signature], 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

NOV 09 2021, and on DEC 17 2021.

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 [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21009