

101
7/23/21

(R-2021-549 REV.)

RESOLUTION NUMBER R- 313643

DATE OF FINAL PASSAGE JUL 27 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE CHANGE ORDER NO. 3 FOR THE SEWER PUMP STATION 23T EMERGENCY REPAIR CONSTRUCTION AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND FLATIRON WEST, INC. TO INCREASE THE NOT-TO-EXCEED VALUE OF THE CONTRACT BY \$1,092,606.68 FOR ADDITIONAL WORK.

WHEREAS, Pump Station 23T (Pump Station) is one of the major sewer infrastructures within the Otay Mesa service area; and

WHEREAS, in August of 2017, during the construction of a separate CIP project (B-14131) to replace the electrical components of the Pump Station, it was revealed that the wet well structure of the facility was in poor condition, including deteriorated concrete at the wet well and severe erosion of the pumping floor; and

WHEREAS, a technical report prepared by a consultant engineering firm indicated that the wet well was not structurally safe and the City should not permit personnel access inside the wet well; and

WHEREAS, this halted the electrical CIP project, and during the rainy season, flow was diverted through a temporary by-pass; however, this is not designed to operate for a prolonged period of time and possesses a high spill risk; and

WHEREAS, due to the urgent operational, environmental, and safety issues, an emergency sole source time and material contract (K-18-1682-RFQ-3) for a not-to-exceed value of \$1,200,000 was awarded to Flatiron West, Inc. to repair the wet well structure (Agreement); and

WHEREAS, the City Council was originally notified of the sole source Agreement via memo dated January 6, 2020; and

WHEREAS, the original cost estimate was based on the limited scope of work available to the City at the time, but as construction progressed, site conditions dictated additional work that was not anticipated; and

WHEREAS, during construction it was discovered that the well was in worse condition than originally assessed and the extensive increase in the scope of work resulted in chipping the wet well, demolishing out most of the inside of the well, and reforming a new well, which significantly increased the cost of labor, design, and inspection fees; and

WHEREAS, construction is nearing completion and Construction Change Order No. 3 to the Agreement, increasing the contract amount by \$1,092,606.68 and adding nine additional work days, is needed to compensate the contractor for the completion of work that exceeded the initial cost estimate, including replacement of the sluice gate, repair of the pipe inside the wet well, cleanup and disposal of the hazardous materials encountered in the wet well, and additional costs for the bypass pump rental fee and security due to prolonged construction duration brought on by additional unforeseen conditions; and

WHEREAS, pursuant to San Diego Municipal Code Section 22.30.18(a)(1), "Alterations in Contracts," the increase of an emergency contract such as the Agreement by \$1,092,606.68 requires City Council approval; and

WHEREAS, with the additional \$1,092,606.68, the construction cost for the entire project is \$3,242,539.70; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor, or his designee, is authorized to execute Construction Change Order No. 3 to the Agreement with

Flatiron West, Inc, for an agreed upon amount of \$1,092,606.68 within the Project limits and adding nine additional working days, contingent upon the Chief Financial Officer issuing one or more certificates certifying that the funds necessary for expenditure under the established construction change order are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an additional amount not to exceed \$1,092,606.68 in CIP A-BP 00001, Pump Station Restorations (B-20105, Sewer Pump Station 23T Emergency Repair), Fund 700008, Muni Sewer CIP for Construction Change Order No. 3.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Adam R. Wander
Adam R. Wander
Deputy City Attorney

ARW:cw
06/29/21
07/13/21 REV.
Or.Dept: E&CP
CC No.: 3000014047
Doc. No.: 2699728_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 07/13/2021

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 7/27/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. 3000014047
 DEPT. NO. 2112

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: \$1,092,606.68

Vendor: Flatiron West, Inc.

Purpose: To authorize the expenditure of funds not to exceed \$1,092,606.68 with Flatiron West, Inc. for providing construction services for the Pump Station 231 Emergency project.

Date: May 7, 2021 By: Travis Brady
 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
1	B20105	700008	NOT_RELEVANT_GRANT	512025	OTHR-00000000-SU	2000	2000181411	B20105.07.05	\$1,092,606.68
2									
TOTAL AMOUNT									\$1,092,606.68

FUND OVERRIDE

Passed by the Council of The City of San Diego on JUL 13 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 JUL 27 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 *JK (Rued)*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313643