

ORDINANCE NUMBER O- 21657

DATE OF FINAL PASSAGE JUN 12 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SECOND AMENDMENT TO THE CONTRACT RESULTING FROM REQUEST FOR PROPOSAL NUMBER 100088534-18-L FOR AS-NEEDED REMEDIATION AND CLEAN-UP SERVICES FROM CITY OF SAN DIEGO WATER MAIN BREAKS AND SEWER BACKUPS WITH LUTH AND TURLEY, INC. AND RELATED ACTIONS.

WHEREAS, on June 14, 2018, the City of San Diego (City) entered into the Contract resulting from Request for Proposal Number 10088534-18-L for As-Needed Remediation and Clean-up Services Resulting from Water Main Breaks and Sewer Backups with Luth and Turley, Inc. (Contract); and

WHEREAS, the Contract was for a duration of one year with four one-year options to renew for a total of five years with a not to exceed amount of \$5,000,000 per year; and

WHEREAS, On May 14, 2019, the Council for the City of San Diego (City Council) approved the First Amendment to the Contract by San Diego Resolution No. R-312445, which increased the not to exceed amount of the first year of the Contract to \$10,000,000 due to significant damage caused by water main breaks that year; and

WHEREAS, the City of San Diego (City) has exercised each of the four one-year options to extend the Contract, which will expire on June 24, 2023; and

WHEREAS, City staff negotiated a Second Amendment to the Contract (Second Amendment) to add two one-year options, each with a not to exceed amount of \$5,000,000, which would increase the Contract's total not to exceed amount to \$40,000,000; 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; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. The Second Amendment to the Contract to add two additional one-year options, each with a not to exceed amount of \$5,000,000 resulting in a total not to exceed Contract amount of \$40,000,000, under the terms and conditions more fully set forth in the Second Amendment, which once signed by the Parties and approved by the City Attorney will be on file with the Clerk of the City of San Diego as Document No. 00-21657, is approved.

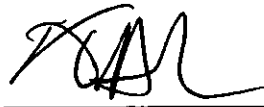
Section 2. The Mayor, or his designee, is authorized to sign and deliver the Second Amendment.

Section 3. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed of \$5,000,000 for each option year, for a total increase of \$10,000,000 in the not to exceed amount, of which \$8,000,000 will be from Fund 700011, Water Utility Operating Fund, and \$2,000,000 from Fund 700000, Muni Sewer Revenue Fund, for the purpose of fulfilling the City's obligations under the Second Amendment, 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 4. That a full reading of this ordinance is dispensed with prior to passage, a written 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  _____
Frank Ahn
Deputy City Attorney

FA:cw
April 28, 2023
Or.Dept: Public Utilities Department
CC No.: N/A
Doc. No.: 3297383

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 06 2023.

DIANA J.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

Approved: 6/12/23 _____
(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 06 2023, 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"/>
Kent Lee	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 12 2023

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Cornie Patterson, 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

MAY 23 2023, and on JUN 12 2023.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Cornie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21657