

ORDINANCE NUMBER O- 21783

DATE OF FINAL PASSAGE MAR 22 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO APPROVE THE THIRD AMENDMENT TO A CONTRACT WITH U.S. PEROXIDE, LLC, TO CONTINUE TO PROVIDE PEROXIDE REGENERATED IRON SULFIDE CONTROL AND PEROXIDE REGENERATED IRON CHEMICALLY ENHANCED PRIMARY TREATMENT PROGRAM FOR ODOR CONTROL AT WASTEWATER TREATMENT FACILITIES AND RELATED ACTIONS.

WHEREAS, the City of San Diego Public Utilities Department (Department) owns and operates water and wastewater facilities which require certain chemicals as part of the treatment process; and

WHEREAS, the City uses Peroxide Regenerated Iron Sulfide Control (PRI-SCT) and Peroxide Regenerated Iron Chemically Enhanced Primary Treatment Program (PRI-CEPT), which includes Hydrogen Peroxide and Ferrous Chloride, for wastewater odor control and treatment at its wastewater facilities; and

WHEREAS, following the issuance of a Request for Proposals, the Council of the City of San Diego (Council) authorized a contract with U.S. Peroxide, LLC dba USP Technologies (Contractor) to provide the PRI-SCT and PRI-CEPT for various locations within the Metro Wastewater System (Contract), by San Diego Resolution R-308103, (May 2, 2013); and

WHEREAS, the Council authorized a First Amendment to the Contract by San Diego Ordinance O-20933 (May 15, 2018), extending the Contract for an additional one year with four additional one-year options to renew, which have all been exercised by the City; and

WHEREAS, the Council authorized a Second Amendment to the Contract by San Diego Ordinance O-2023-23 (September 21, 2022), adjusting the price for inflation and extending the Contract for an additional one-year option to renew; and

WHEREAS, the uninterrupted use of PRI-SCT and PRI-CEPT is necessary to provide odor control and corrosion prevention and comply with State and Federal regulations; and

WHEREAS, Contractor holds a patent for PRI-SCT and PRI-CEPT as used in the City's wastewater treatment facilities; and

WHEREAS, staff recommends extending the Contract for an additional one year with one additional one-year option to renew resulting in the term of the Contract exceeding five years, and increasing the not to exceed amount by \$10,000,000 with a new total not to exceed amount of \$102,972,976; and

WHEREAS, the office of the City Attorney has drafted this resolution based on the information provided by affected third parties and verified by City Staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego 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 City Council of the City of San Diego, as follows:

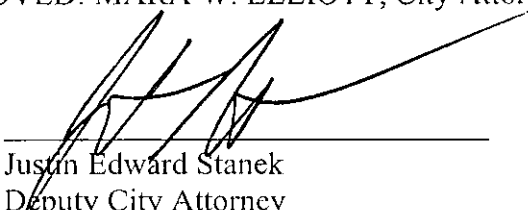
1. The Third Amendment to the Contract, increasing the not to exceed amount by \$10,000,000 for a new total not to exceed amount of \$102,972,976, and extending the term by one year with one additional one-year option to renew, which once signed by all parties will be on file with the City Clerk as Document No.

00-21783, is approved.

2. The Mayor, or his designee, is authorized to sign and deliver the Third Amendment to the Contract.
3. The Chief Financial Officer is authorized to expend an additional amount not to exceed \$10,000,000 from the Metro Sewer Utility Fund 700001 for the purposes of fulfilling the City's obligations under the Third Amendment starting in Fiscal Year 2025, 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.
4. 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.
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


Justin Edward Stanek
Deputy City Attorney

JES:jdf
02/14/2024
Or.Dept: PUD
CC No. N/A
Doc. No. 3564672

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 12 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/22/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAR 12 2024, 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"/>
District 4 - vacant	<input 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 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 MAR 22 2024

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 Connie 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

FEB 27 2024, and on MAR 22 2024.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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