

#62  
03/12/2024

(O-2024-65)

ORDINANCE NUMBER O- 21786 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 22 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIFTH AMENDMENT TO THE CONTRACT FOR MERCHANT CARD PROCESSING SERVICES BETWEEN THE CITY OF SAN DIEGO, PNC BANK, N.A., AND FIRST DATA MERCHANT SERVICES LLC TO EXTEND THE CONTRACT BEYOND FIVE YEARS AND TO INCREASE THE NOT TO EXCEED AMOUNT.

WHEREAS, the City of San Diego (City), PNC Bank, N.A. (Bank), and First Data Merchant Services LLC (Fiserv) are “Parties” to that certain Contract for Citywide Banking Services Resulting from Request for Proposal Number 10089-286-18-F dated May 1, 2019 (as amended, the Contract); and

WHEREAS, the term of the Contract will expire on April 30, 2024, but section 2.1 of the Contract provides the City the ability to extend the Contract for one (1) additional three (3) year period; and

WHEREAS, section 3.1 of the Contract established a not-to-exceed (NTE) amount of compensation of \$10,550,000; and

WHEREAS, the Parties desire to amend the Contract to (i) extend its term by one (1) additional three (3) year period and (ii) increase the NTE amount of compensation by \$7,650,000 for a total NTE amount of \$18,200,000 (together, Fifth Amendment); and

WHEREAS, all other terms and conditions of the Contract shall remain in full force and effect; 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 resolution based on the information provided by City staff including information provided by affected third parties and verified 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:

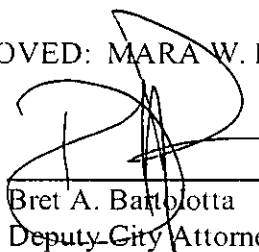
Section 1. That the Mayor, or his designee, is authorized to execute, for and on behalf of said City, the Fifth Amendment, which includes the extension of the Contract term by one (1) additional three (3) year period so that it expires on April 30, 2027, and the increase of the NTE amount of compensation under the Contract by \$7,650,000 for a new total of \$18,200,000.

Section 2. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$18,200,000 under the Contract, contingent upon the Chief Financial Officer's furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Section 3. 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 4. That this Ordinance shall take effect and be in force on the thirtieth day from and after the date of its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
FEL: Bret A. Bartolotta  
Deputy City Attorney

BAB:jdf  
02/07/24  
Or.Dept: Treasurer  
Doc. No. 3543479

I hereby 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   
Deputy City Clerk

Approved: 3/22/24  
(date)

  
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:

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

(Seal)

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
Ordinance Number O- <u>21786</u>